

**City of London Corporation-  
Port Health and Public Protection Service- Commercial Team  
Food Sampling Policy**

# Food Sampling Policy

03/06/2024

City of London Corporation

Peter Brett

<b>Rev.</b>	<b>Date</b>	<b>Nature of Changes</b>	<b>Approved By</b>
[Rev Number]	[Date of Issue]	Original issue.	[2010 Tony Bride]
1	October 2015	Policy reviewed and procedure updated: v4	P Brett
2.	March 2019	Review- Rota for weekly sampling in place.	P Brett
-	July 2020	Reviewed: No sampling programme in place following Covid Pandemic.	P Brett
-	October 2023	Minor amendments. [Restart sampling programme; reactive sampling]	P Brett
	June 2024	[Restart sampling programme]	P Brett

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1.1. This policy lays out the Commercial Team's approach to food sampling and some of the specific situations in which this authority can be involved.

1.2. Food law enforcement includes sampling and it is a function carried out by PH&PP.

1.3. As part of the Framework Agreement with the Food Standards Agency on Local Authority Food Law Enforcement we are required to set up, maintain and implement a food sampling policy and programme.

1.4. The sampling programme is set up each service year as part of our service targets and as the overall Food Safety enforcement plan. This plan receives the approval of the Port Health and Environmental Services Committee.

1.5. This policy document is implemented and supported by various sampling procedures.

1.6. A copy of this policy is available free on our website.

## **2. Good enforcement action**

2.1. As a Food Authority the City of London considers that sampling is an important, and integral, tool in food law enforcement. Sampling has a role in;

- a. Protecting public health;
- b. Detecting and deterring fraudulent activities;
- c. Verifying that official control checks are effective;
- d. Giving customers sufficient information to make informed choices;
- e. Ensuring that food standards are maintained;
- f. Informing our overall enforcement approach;
- g. Promoting fair trade and deterring bad practice;

2.2. To support consistency and good enforcement practice, officers will undertake sampling in accordance with this Policy and the current Food Law Code and guidance as well as any relevant specific protocols and procedures:

2.3. Our commitment to fair and consistent enforcement can be found in our Enforcement Policy.

## **3. Our commitment**

3.1. As well as staffing resources (appropriately authorised officers) for sampling we will ensure there is an adequate budget committed to sampling analysis and examination. Authorised officers carrying out sampling work will be suitably trained in the appropriate techniques and will be competent in carrying out all sampling activities assigned to them.

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3.2. The City has appointed Public Analysts within Public Analyst Scientific Services Ltd (PASS) and Kent Scientific Services Ltd. We also use the Food Examiners at the Food, Water and Environmental Microbiology Laboratory Colindale, part of the UK Health Security Agency (UKHSA).

3.3. In ensuring the most effective use of sampling resources we will be informed by direction from the Food Standards Agency, guidance from the London Food Coordinating Group; and the South East London Food Group.

3.4. We have adopted and use the UK Food Surveillance System (UKFSS) to record sampling data.

3.5. We will ensure that the appointed Public Analyst and the Food Examiner are consulted when drawing up a sampling programme; this will normally be done through the South East London Food Group (of which we, the Analysts and Examiners are Members) or the London Food Coordinating Group.

3.6. Any deviation from this Policy will require authorisation from the appropriate senior management.

#### **4. Food sampling programme**

4.1. Sampling has particular benefits in supporting work on food complaints, food safety and standards inspections (including process monitoring), any relevant 'Home Authority' and survey work. There is also a role in the Council's involvement in special investigations and local initiatives. Resourcing is however finite and a food sampling programme is considered and devised each year.

4.2. The programme and any other more reactive sampling work will be considered in light of the following priorities and their immediate relevance to food law enforcement in the City of London:

##### **4.3. Priority 1 –**

- a. FSA and other nationally coordinated work/surveys.
- b. Sampling required to meet statutory obligations; this can include some but not all complaint samples (see below).

##### **4.4. Priority 2 - Samples required for effective food safety enforcement**

- a. Microbiological samples from high risk (Category A & B) food hygiene premises and processes.
- b. Chemical sampling from high risk producers, packers and importers including samples that maybe taken during food standards inspections.
- c. Microbiological samples of high risk foods from other food hygiene premises
- d. Sampling of foods or from premises highlighted by national sample collation.

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e. Imported food sampling by the City acting as an inland authority.

4.5. **Priority 3** - Samples which give added value or which support local initiatives and projects

- a. LA surveys
- b. Sampling to support local initiatives
- c. Sampling to support other LA services.

4.6. We aim to complete relevant samples falling into Priority 1 and Priority 2 classifications. Resources will be devoted to Priority 3 samples whenever possible.

## **5. Formal and informal samples**

5.1. Samples can be taken formally or informally, depending on the reason for sampling, the advice given in the Food Law Code and any other relevant specific protocol.

5.2. Formal samples will normally be taken in the following circumstances:

- a. Food samples taken as a result of a complaint (where this is possible and desirable, see below and our Food Complaint Policy);
- b. Food samples taken as a result of a food poisoning outbreak;
- c. Where following previous unsatisfactory sample results, follow up sampling is considered necessary;
- d. Where the sampling officer discovers a potential offence(s) which our enforcement policy would indicate should be followed up more formally.
- e. Where the history of the business indicates an unsatisfactory level of food law compliance.

5.3. Formal samples for microbiological examination will normally be submitted to the food examiner at UKHSA's Food Water and Environmental Microbiology Laboratory, 61 Colindale Avenue, London, NW9 5HT; if they are in connection with an agreed project or program or a case or suspected case of gastro enteric illness. Other formal microbiological samples may also be submitted to the Public Analyst.

5.4. Formal samples for composition, labelling, chemical or foreign body contamination analysis will be submitted to Public Analyst Scientific Services Ltd (part of Eurofins) according to the current protocol for sample collection or if necessary to Kent Scientific Services Ltd, who have analysts who are also appointed.

5.5. Informal samples will either be sent to the appointed Public Analyst or, if appropriate, the Food Water and Environmental Microbiology Laboratory.

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## **6. Food complaints**

6.1. Decisions to submit food complaints for examination or analysis will be made on a case by case basis. The following points will be considered when considering whether a food complaint will be submitted for analysis:

- a. Storage and transportation of the food complaint;
- b. Availability and continuity of evidence;
- c. Likelihood that formal action will be taken in relation to the complaint;
- d. Advice and information received from any Home, Primary and/or Originating Authority;
- e. Assessment of a company's due diligence defence, if any;
- f. Complainants willingness to be involved in legal proceedings;
- g. The City of London Corporation's Complaint Policy and Enforcement Policy

6.2. Food complaints may be tested as follows to assist in any formal investigation:

- a. Foodstuffs alleged to have caused food poisoning may be submitted to the Food Examiner at UKHSA or, if appropriate, the appointed Public Analyst.
- b. Food poisoning outbreak food samples will be taken in consultation with the Food Examiner and, if appropriate, the Public Analyst.
- c. Foodstuffs alleged to be contaminated by insects may be submitted for further identification to an entomologist e.g. Killgerm Chemicals.
- d. Foodstuffs alleged to be contaminated by foreign bodies, chemicals or otherwise adulterated maybe submitted to the appointed Public Analyst;
- e. Suspected food labelling offences will be determined by the Department or submitted to the Public Analyst as necessary;

## **7. Notification and interpretation of results**

7.1. Notification of formal sampling for analysis or examination will follow the relevant sections of the Food Law Code.

7.2. The Public Analyst/Food Examiner gives an expert scientific opinion in any certificate of analysis or examination. Such will be used to help determine if any more formal action should be taken in respect of any offences discovered.

7.3. We will inform the appropriate food business of any formal and informal sample results.

7.4. The City of London Corporation's Enforcement Policy will be followed in deciding the level of any formal enforcement action.

7.5. Sampling activity will be recorded where necessary using UKFSS.

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**8. Review**

8.1. The Food Sampling Policy will be reviewed on an annual basis, and when there are any changes in legislation, Codes of Practice, guidance issued by the FSA, or other central agency or advice from UKHSA including the local Health Protection Teams.