

Alan Nutten
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6 April 2005

Reference: ECO 10

Dear Mr Nutten

FOOD HYGIENE REGULATIONS – PRESENCE OF DOGS ON FOOD PREMISES

Thank you for your email of 2 April 2005 to the Food Standards Agency (FSA) Helpline following your previous emails to me of 11 February and 16 March. I include below responses to the further queries you have raised in those emails (i.e. since my reply to you dated 7 February) and I apologise for not doing so earlier. For background and context to this response, you may wish to read this response in conjunction with my letter of 7 February, a further copy of which I have attached for information.

As you are aware the current Food Safety (General Food Hygiene) Regulations 1995 set out the hygiene requirements for all aspects of food premises. The regulations require food businesses to identify any step in the activities of their operation where food hazards (including cross contamination) may occur and ensure adequate safety procedures to control such hazards are in place.

In relation to your question about the minimum standards food businesses are expected to employ in identifying and managing hazards, this would depend on the level of risk posed in each individual business. Industry Guides to Good Hygiene Practice give advice on how to comply with the General Food Hygiene Regulations and include guidance on hazard analysis and management. These Industry Guides are available from:

Chadwick House Group Ltd.
Chadwick Court
15 Hatfields
London
SE1 8DJ
(Tel: 020 7827 5882)

There are several titles available, but the one relevant to you is the catering guide, which costs £3.60. Although you will find this useful in aiding your understanding of how the regulations are applied, I can confirm that it does not specifically mention dogs or pets in the context of analysing and managing hazards. Pets are mentioned explicitly in the section on the commercial production of food in the domestic environment, where as a guide to compliance it is advised that pets should be excluded when food preparation is taking place. Feed for pets kept in catering premises is also mentioned, where it is suggested that in a very few catering premises animals may be kept either as pets or for security, for example in smaller operations, pubs, and guest houses, where there is residential accommodation in the same premises.

The legal requirement to conduct a risk assessment applies to all activities of a food business so does not differentiate between serving and preparation areas. However, other requirements of the regulations do apply differently, for example there are specific requirements for food preparation areas in Schedule 1, Chapter 2 of the regulations.

You ask what guidance the FSA provides to local authorities on enforcement. The FSA provides advice to local authorities on the enforcement of food law primarily through a Code of Practice made under Section 40 of the Food Safety Act 1990 and associated Practice Guidance. The FSA may also issue separate guidance on an ad-hoc basis and has done on a number of occasions. All such guidance is published on the FSA web site and can be supplied in hard copy on request. The Code and Practice Guidance are currently being revised in line with the new food hygiene legislation that applies from 1 January 2006.

The FSA recognises that effective and consistent enforcement of food safety legislation is essential. Working in partnership with local authorities, it drew up a Framework Agreement on Local Authority Food Law Enforcement. This agreement requires UK Local Authorities to work to a common standard in ensuring food safety and became operational in April 2001, marking the first time a UK standard for food safety enforcement had been set. The FSA monitors local authorities to ensure that they are working to the standards set out in the Framework Agreement by means of a programme of rolling audits, and by focussed audits on particular aspects of their enforcement work.

Referring again to the new EU food hygiene legislation applying from 1 January 2006, the FSA does not consider that this legislation will mean any change from the current situation in terms of dogs in food preparation or consumption areas. I attach, as requested a pdf copy of EU regulation 852/2004, *on the hygiene of foodstuffs*. If you are unable to download this document satisfactorily, please provide an address to which I can forward a paper copy.

The advice contained in this letter / email should not be taken as an authoritative statement of the law or its interpretation. The opinion of your Home Authority or other enforcement authorities may differ. Only the courts can decide whether in particular circumstances an offence has been committed.

Again, if you would like any further information regarding the new legislation or on enforcement, please do not hesitate to get in touch. If you have any further questions regarding current general food hygiene, please address them directly to my colleague, Michelle Bayliss (i.e. to michelle.bayliss@foodstandards.gsi.gov.uk).

Yours sincerely

David Gray

Food Hygiene Implementation Division