

# COMPLAINTS ABOUT FOOD OR FOOD PREMISES



East Hampshire District Council investigates food and food premises complaints as part of its role to protect public health. The investigation is carried out by the Food Safety Team (part of Environmental Health).

#### **THE PURPOSE OF OUR INVESTIGATION IS TO:**

- establish if the food or food premises meet food safety requirements
- fulfil the duty of enforcing food safety legislation
- identify the problem and give appropriate advice
- provide information to the food industry in order to raise and maintain standards

We can only formally investigate complaints where there is sufficient evidence that an offence has been committed. However, we will investigate any complaint informally where there may be a risk to public health.

#### **WE CAN DEAL WITH**

- food which may have caused food poisoning or has become contaminated
- food containing foreign bodies, e.g. insects, metal, glass etc.
- mouldy food
- food which has expired its 'use by' date
- complaints concerning food hygiene standards in a food premises

#### **WE CAN'T DEAL WITH**

- food purchased outside the district. We will arrange for the food complaint to be transferred to the relevant enforcing authority.
- any claims for compensation or refunds. This is a matter between the complainant and the retailer or manufacturer.
- complaints about food quality e.g. sour milk, over ripe fruit and vegetables.
- false descriptions and inappropriate labelling of food and drink.
- food and drink which has been tampered with - e.g. added water, fat etc.
- food which has expired its 'best before' date.

The last four items above are normally dealt with by Hampshire County Council Trading Standards Department.

General Enquiries: 0845 6030081

## **FOOD COMPLAINTS**

### **THE INVESTIGATING OFFICER WILL NEED TO KNOW:**

- where and when the food was purchased (a receipt is preferred)
- how the problem was discovered and by whom
- what ill effects the consumer has suffered. In the case of suspected food poisoning it should be confirmed by your GP.
- if you are prepared to support the Council in taking legal action. This will involve giving a witness statement and may mean giving evidence in court

## **FOOD PREMISES COMPLAINTS**

### **THE INVESTIGATING OFFICER WILL NEED TO KNOW:**

- the name and address of the food premises
- detailed account of the type and nature of your complaint
- the date and time your complaint relates to
- in the case of suspected food poisoning what ill effects the consumer has suffered.
- if you are prepared to support the Council in taking legal action. This will involve giving a witness statement and may mean giving evidence in court.

## **THE INVESTIGATION OF FOOD AND FOOD PREMISES COMPLAINTS:**

We will respond to your complaint within 1 working day and aim to resolve it within 6 weeks. Investigations can be prolonged if analysis on food has to be carried out. However, you will be kept informed on the progress of our investigation. The decision about whether to take formal or informal action is at the discretion of the officer concerned. However, if you are not happy with the decision you can appeal to the Council by contacting the Food Safety Manager on (01730) 234307.

Details of the Council's appeal procedures are available on request.

### **DISCLOSURE OF THE COMPLAINANT'S NAME AND ADDRESS:**

Most businesses request the complainant's details, but these will not be disclosed without your consent.

Please note that it will not be possible to conceal the complainant's identity if legal proceedings are taken.

### **THE FOOD SAFETY TEAM**

East Hampshire District Council's Food Safety Team carry out routine, mainly unannounced, visits of all food premises in the district. The frequency of these inspections is based on a risk assessment where food premises are categorised according to potential risk. Those in the highest risk category (nursery schools, residential homes, butchers' shops etc.) may be visited twice a year, whereas those in the lowest risk category (greengrocers, sweetshops etc.) only require an inspection every five years.

### **OUR POWERS:**

We have powers to enter food premises at all reasonable times and the right to inspect, seize or detain food where we suspect that it does not comply with food safety requirements. We have powers to inspect or seize records and take samples of food as evidence. We can also serve improvement notices or, if there is an imminent risk to health, emergency prohibition notices to stop a process or close a premises.

Action taken following a food safety complaint may be informal or formal depending on the seriousness of the complaint. Whatever we do, it will be consistent with our Food Safety Enforcement Policy, a copy of which may be viewed on our website.

### **WHEN WOULD WE PROSECUTE?**

Whether we decide to prosecute a person or a business will depend on the following:

- the seriousness of the offence
- previous compliance history
- whether we consider it in the public's interest
- whether the company have a 'due diligence' defence
- whether we have sufficient evidence
- the willingness of the party to prevent a recurrence of the problem

### **DUE DILIGENCE**

It can be a defence against prosecution for a person charged with a food safety offence to prove that they took all reasonable precautions and exercised all due diligence to avoid the offence occurring. Where a food business has all the systems in place to control food safety at their premises and these controls are monitored and reviewed, then it would be unlikely that a prosecution would be taken by the Council.

### **FURTHER INFORMATION:**

If you would like any further information on our Food Safety Service please contact:

#### **The Food Safety Team:**

Tel: (01730) 234307

Fax: (01730) 234330

Or email us on: [ehealth@easthants.gov.uk](mailto:ehealth@easthants.gov.uk)

You can make a complaint by telephoning the above number, writing, e-mail or visiting us at the following address:

#### **East Hampshire District Council**

Food Safety Team

Environmental Health

Penns Place

Petersfield

Hants

GU31 4EX

Further details can also be found on our website: [www.easthants.gov.uk](http://www.easthants.gov.uk)

**FEEDBACK**

Environmental Health are always striving to improve the service that we offer to you and as a result we would welcome your comments and views regarding this leaflet and more generally, the service we provide.

Please let us know your comments, whether good or bad. If we don't know how we are performing, we cannot make any changes or improvements!

	Yes	No	Not Really
1 Did you find the booklet helpful?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 Would you like more information on this subject?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3 When you contacted Environmental Health, did you find the staff friendly and knowledgeable?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4 Would you like this information in another format e.g. large print/on tape/ in another language?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If so, please state below which format you would like the information in

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5 Generally, please let us know below any comments you may have on the service, particularly how it may be improved

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**Thank you very much. If you have asked for more information, possibly in another format or would like us to contact you regarding your comments, please do fill in your details below**

Name

Address

Telephone number

E-mail

cut along this line

BUSINESS REPLY SERVICE  
LICENCE No. SCE 12702

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EAST HAMPSHIRE DISTRICT COUNCIL  
ENVIRONMENTAL HEALTH  
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