

# Toolkit: Negotiating food-hygiene legislation

A lack of consistency between councils, onerous paperwork requirements and occasionally

When Philip Leach heard that he could no longer serve duck breast pink, it was the final straw. He decided to close his restaurant, Slice, after “six glorious years” claiming Swansea council’s food-hygiene legislation had simply become too prohibitive.

“These rules are killing the passion of many chefs,” says Leach, who has been cooking for 26 years. “I will be hanging up my apron and retraining in a different trade. And one of my close chef friends is also leaving, to become a plumber.”

Leach’s case may be extreme but chefs and restaurant owners around the UK are increasingly frustrated with complicated and often opaque food-hygiene rules and excessive paperwork. To make matters worse, different councils have different interpretations of the regulations, further muddying the waters.

Although the Food Standards Agency is responsible for ensuring food hygiene and safety across the UK, there is no catch-all guidebook for chefs to follow, apart from its somewhat basic handbook.

Environmental health officers (EHOs) from each individual council get their detail from a wide range of sources and this feeds into their overall assessment of a restaurant. The EHO makes recommendations for improvement and then returns for regular checks, but regulations can sometimes be unclear and can vary from area to area, creating problems for those who have



What's the beef?: serving rare meat can be controversial

restaurants in more than one location.

Ben Tish, head chef at Salt Yard Group, is one such restaurateur, overseeing four restaurants in two different London boroughs, Tish has come up against conflicting recommendations from EHOs.

Words  
Laura Price

“Because we have three restaurants in Westminster and one in Camden, there are wildly different requirements,” says Tish, who is a recognised trainer in food hygiene and teaches basic skills to his own chefs at Salt Yard, Opera Tavern, Ember Yard and Dehesa.

Based on strict hygiene regulations applied at the Taste of London food festival, Tish decided to develop Hazard Analysis and Critical Control Points (HACCP) processes for each individual dish at his restaurants, with details on every stage through to delivery. This helped him manage unusual dishes such as cold-smoked sea bream.

Camden council was delighted with his thorough approach and awarded Salt Yard the full five stars in the FSA’s Food Hygiene Rating

Scheme. However, Westminster council didn’t agree and asked him to develop more detailed HACCP for wider categories, such as meat, fish and dairy, rather than for individual plates.

“We have the same practices across the group, but we’ve had five stars in Camden for things that Westminster is saying are not correct,” Tish says. “The grey areas are mainly around HACCP and how that works. Also, things tend to change pretty damn quickly, which is quite annoying.”

Westminster council has come under fire recently for its restrictive food-safety regulations. It served notice against Davy’s Wine Bar in December 2012 for the way it cooked its rare and medium-rare burgers, which the council considered to be an E.coli risk. But in August last year the restaurant chain was allowed to continue



Stop bugging me: good hygiene is crucial

## vague advice can lead to fraught interactions with environmental health officers

selling the rare burgers after a court rejected the council's ruling and offered no evidence against the company. Westminster council says it has never sought to ban rare burgers but it wants them to be done to exacting standards.

Part of the problem is that local authorities do not treat restaurants on a case-by-case basis, says Tish - a restaurant serving rare top-grade burgers made from traceable meat will be treated in the same way as one serving cheap mince of far more dubious origins.

Tish experienced this at first hand when he was told he couldn't serve his signature Iberico pork burgers rare at Opera Tavern. The burgers came back from laboratory tests "absolutely squeaky clean" and Tish has never had any problems with the meat from free-range, acorn-fed Spanish Iberico pigs, but still he was told by the council that he must cook them more thoroughly.

"I tried to explain that it's not normal pork - it's a different beast

### We had five stars in Camden for things Westminster says is wrong

altogether," he says. "But they have a textbook on pork and they said Iberico is no different. It's a bit of a shame, really."

Aside from restrictions on serving raw and delicately cooked meat, local authorities require increasing amounts of paperwork. These range from temperature-check forms and fridge checks to 'Safer food, better business' diaries, which some businesses use to record ingredients' condition at the point of delivery.

EHOs often spend more time checking paperwork than cleanliness of kitchens, so a spotless restaurant can earn a below-par food-hygiene rating if the papers aren't up to date.

"It confuses the public, as you can have the world's cleanest kitchen and you've not done your paperwork," says Philip Leach of Slice, which had a five-star rating until its closure. "If you only get three out of five for the

'scores on the doors' the public is led to believe the kitchen isn't clean, when in fact it's the paperwork that has led to that rating."

While this can be a minefield, restaurant owner Chris Galvin says chefs shouldn't fear EHOs, but

cooperate and communicate as much as possible, as both parties' main concern is customer safety.

"Don't be scared to question what's right or wrong, because it's like wading through *War and Peace*," says Galvin, who runs restaurants in

London and Edinburgh, including La Chapelle and Galvin at Windows. "You do need assistance."

Galvin recommends getting the best possible health and safety company you can afford - one that will work for your business. Though training and consulting are costly, ultimately it's worthwhile, he says.

He also recommends full cooperation and patience with EHOs. "They've got such a huge job: one minute they're walking into a back-street café and the next minute they're looking into a five-star operation," he says. "But when they're experienced, it can be enjoyable [to deal with them] because they'll give you really good tips on safe working practices."

The industry is changing fast and so are regulations - more reason to move with the times and build a good relationship with EHOs, says Galvin. "Instead of hiding from it, embrace it. Be proactive and pre-emptive." □



Paper weight: it pays to have documents in order

## Get your EHO on-side

### 10 simple ways to keep the inspector sweet

**1. Be proactive.** If you're starting a new restaurant, invite your local EHO round a month before opening to pre-empt any issues that might arise.

**2. Don't be scared.** There's no reason to fear your EHO. In fact, build the right relationship and you may find ways they can benefit your business.

**3. Be prepared.** A surprise inspection at peak time on a Friday evening is always going to be a pain, but if you know everything is in order, there will be no cause for concern. Prepare for the worst-case scenario.

**4. Act quickly.** Don't wait until your next inspection comes around to act on any issues or recommendations, says Salt Yard Group's Ben Tish. Instead, score points by making the necessary changes immediately and invite your EHO round for a new inspection.

**5. Make sure everything is spotless.** It's an obvious one, but inspectors are looking for cleanliness on an extreme scale. Even a broken shelf could be enough to lose you those precious points.

**6. Get on top of the paperwork.** EHOs increasingly spend more time inspecting paperwork than checking

the cleanliness of your kitchen. Make sure that all forms are filled and boxes ticked. You can have the cleanest kitchen in the world, but missing documents could result in docked marks.

**7. Ask for advice.** Don't be afraid to ask questions and push for clarification if you don't feel you've received a proper response. Different councils require different standards, so it's worth double-checking that you have the most up-to-date and area-specific information.

**8. Be aware that rules aren't set case-by-case.** You may know that you're serving the best-quality meat available, but your council sets rules that apply to restaurants with far less stringent standards.

**9. Consider hiring a consultancy.** It can be costly, but it's worth it. Companies such as Anderson Food Hygiene provide training and guidance to help you pass all the necessary checks and maintain the best possible standards. Get the best you can afford.

**10. Don't cut corners.** Although form-filling is a hassle and inspections can be stressful, it's not worth scrimping on the important stuff. Ultimately your priority is keeping customers happy and healthy.