

Starting a Food Business

A guide for owners and managers of new and emerging food businesses in Thanet.

Created by Thanet District Council
Environmental Health Department
Food Safety Team
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Starting a Food Business

Deciding to start a food business can be both an exciting and daunting prospect. We have created this pack to help make the process easier, and help you to make sure that you are doing all of the things that are required of you by law. This guide also tells you where you can get further information from external organisations.

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Chapter 1 - Premises

You may choose to rent a premises or you may choose to buy one or even use your own home to start a food business. Whatever you decide, there are rules and regulations that you need to be aware of.

1.1 Planning Permission, Building Regulations and Layout

Planning Permission

Planning seeks to guide the way our towns, cities and countryside develop. This includes the use of land and buildings, the appearance of buildings, landscaping considerations, highway access and the impact that the development will have on the general environment that surrounds it. You need to check whether the changes you plan to make require planning permission. If they do then you will need to submit an application.

Change of Use

Properties are categorised with the local authority according to their use. It is against the law to use an entire property for another purpose without applying for a change of use. The category for a residential dwellinghouse is C3. Not all food related businesses have the same category. Check the category of your property before making any changes, here are some examples;

A1 - Shops

A3 - Restaurants and Cafes

A4 - Drinking Establishments

A5 - Hot Food Takeaways

Building Regulations

Building Regulations set standards for the design and construction of buildings to ensure the health and safety for people in or around those buildings. They also includes requirements to ensure that fuel and power is conserved and that facilities are provided for people, including those with disabilities, to access and move around inside buildings.

To find out more information or make an application visit:

<http://www.planningportal.gov.uk>

1.2 Starting a Food Business from Home

In recent years it has become increasingly popular to start a food business from the home kitchen. We have seen a rise in the number of home cake baking, curry and pie making businesses. All food businesses whether run from commercial premises or the home have to comply with the same regulations. Although we would not expect to see the same things in a domestic kitchen as we would in a commercial kitchen we would still expect the same high standards of food safety and hygiene. As a general principle, if you prepare high risk foods the standards required of you will be much stricter than if you only prepare low risk foods.

Top Tips:

1. Take the time to get to know the relevant food law and requirements
2. Write a food safety management plan
3. Register your food business with Thanet District Council
4. Get some food hygiene training
5. Think about health and safety and fire arrangements
6. Have you registered as self employed?
7. Identify and Label any allergens in your products
8. Plan and consider the layout of your kitchen

Food Hygiene Inspections

We will inspect a home food business in the same way that we inspect any food business. The only difference is that, because your business is also your private home, we will arrange the inspection in advance at a time that suits you rather than carrying out an unplanned visit. The officer will inspect the hygiene of your kitchen, your food safety management system, the layout and structure of the food area and the practices that you carry out.

To find out more information visit:

<https://www.food.gov.uk/business-industry/caterers/startup>

1.3 Business Rates

Non-Domestic Rates, or business rates, collected by local authorities are the way that those who occupy non-domestic property contribute towards the cost of local services. If you take over a business from someone else you need to let us know so that we can update our records and send you the correct bill.

If you are renting a property from a Landlord you are still responsible for payment of the rates for your business.

You don't usually have to pay business rates for home-based businesses if you use a small part of your home for your business, e.g. you use a bedroom as an office or you sell goods by post.

You may need to pay business rates as well as Council Tax if:

- your property is part business and part domestic, e.g. if you live above your shop
- you sell goods or services to people who visit your property
- you employ other people to work at your property
- you've made changes to your home for your business, e.g. converted a garage to a hairdressers
- Contact the Valuation Office Agency (VOA) to find out if you should be paying business rates.

Look at our website for further information:

<http://thanet.gov.uk/your-services/business-rates/business-rates-explained/business-rates-explained-2015-to-16/>

<https://www.gov.uk/government/organisations/valuation-office-agency>

1.4 Licensing a Premises

There are a number of reasons that your premises may require a licence some are listed below;

Licensable activities include:

- selling alcohol
- serving hot food and drinks between 11pm and 5am
- showing a film
- live music
- recorded music
- facilities for making music

Alcohol Licence

If you wish to serve alcohol on the premises you will need the correct licence, the types of licences required are defined as follows:

- any business or other organisation that sells or supplies alcohol on a permanent basis needs to apply for a premises licence
- anyone who plans to sell or supply alcohol or authorise the sale or supply of alcohol must apply for a personal licence
- qualifying members' clubs (such as the Royal British Legion, working men's clubs and rugby clubs) need to apply for a club premises certificate if they plan to sell or supply alcohol

Street Trading

If you are planning to start a food business that relies on street trading, you should be aware that Thanet District Council does not issue street trading licences for the Thanet Area.

The Council has designated a number of streets within the Area as 'prohibited streets'. Street trading on these streets is prohibited and illegal. For a list of prohibited streets please see our website.

Find out more information about licensing visit:

<http://thanet.gov.uk/your-services/licensing>

1.5 Ventilation Systems

If you plan to have a busy kitchen by law you will need to ensure that it is properly ventilated. When installing new ventilation systems you will need to consider odour, fumes and noise.

The council's aim is that new ventilation systems will not lead to complaints from neighbouring properties about cooking smells or noise from equipment such as fan motors.

These items will be also considered in any planning application that you make. If the system is already in place when you start the business and you are not making any changes you will not need to make an application however you may still wish to ensure that it meets the required standards.

Odour and Fumes

The extract ventilation system must deal with cooking smells, fumes and steam produced by cooking and be designed to prevent or minimise any nuisance caused to neighbours.

There are several elements that a satisfactory extract system will include:

- The design of the canopy
- The ducting
- The position of the fan
- Final discharge point
- Carbon Filters
- Access for maintenance

Noise

Ventilation equipment must be designed and installed to avoid noise or vibration nuisance to neighbours. There are several methods that a satisfactory extract system will use to control noise. You will need to ensure that the fan and motor are sited correctly and do not sit on any walls that adjoin residential properties. You will need to consider the construction of the ducting. You may wish to seek advice from an acoustic consultant. For more detailed information visit:

<http://www.defra.gov.uk/environment/quality/noise/research/kitchenexhaust>

1.6 Noise

If you are starting a new business you will need to consider how the noise generated may affect those people who live nearby. Noise could come from music that you are playing, bands, customers, outside eating or smoking areas and kitchen and ventilation systems.

When you make a planning application an officer will consider any noise implications and you will be asked to demonstrate the control measures that you have in place.

What is noise?

Generally, noise can be defined as any unwanted sound. Noise could occur unexpectedly, or be too loud or repetitive. At certain decibels, it can be hazardous to health, with low frequency noise as damaging as loud noise. Noise accounts for most of the complaints that local councils and the Environment Agency receive about environmental pollution, and is a major source of stress

When is noise a nuisance?

English private law defines a nuisance as "an unlawful interference with a person's use or enjoyment of land or of some right over, or in connection, with it." The process of determining what level of noise constitutes a nuisance can be quite subjective. For instance, the level of noise, its length and timing may be taken into consideration in ascertaining whether a nuisance has actually occurred. Thanet District Council has a duty to deal with nuisance noise when it becomes 'Statutory' and if your business is found to be the cause of a Statutory Nuisance then you could be served an abatement notice.

You may wish to seek the advice of a professional, the Institute of Acoustics have a list of registered consultants here:

<http://www.ioa.org.uk>

For more information visit:

<http://thanet.gov.uk/your-services/noise-and-air-quality>

1.7 Waste

You are required by law to have a commercial waste contract in place if you are running a food business. Thanet District Council do not offer waste contracts to businesses so you will need to contact a private company to get a collection organised. When arranging this consider how many collections you will need based on how busy you will be. If you are busier in the summer months for example, you may need to increase the number of collections you have per week.

Food Waste

Food waste needs to be disposed of carefully, high risk foods such as raw meat should not be left to sit in kitchen bins and should be placed in the trade waste bin as soon as possible. Food waste bins should not be overfilled and should remain closed at all times to prevent access to pests. Food waste bins can cause odour to develop and their position should take into consideration any neighbouring residential properties.

Waste Cardboard and Packaging

Food business and in particular retail businesses often generate large amounts of cardboard and plastic waste. It is important that this is collected on a regular basis and not left in outside areas near food premises. This is because accumulation of cardboard and dry waste is a perfect place for rodents to make a home and can encourage rats and mice.

Waste Oil

If you have a food business that uses a large quantity of oil for example a fish and chip shop then the waste contractor who collects the regular waste may not collect waste oil, they may charge an additional fee or not collect at all. In the majority of cases you will need to contact a specialist waste oil company who will be registered to collect the oil and will provide you with a waste transfer note when they collect. Waste oil that is accumulated is dangerous as well as being attractive to pests.

<https://www.gov.uk/find-registered-waste-carrier>

For more information visit:

<https://www.food.gov.uk/business-industry/caterers/food-hygiene/food-waste>

Chapter 2 - Staff and Customers

There are rules about how you treat staff and look after their welfare at work. There are also rules about how you should take care of customers particularly those with disabilities. This section explains some of the key points.

2.1 Health, Safety and Welfare at Work

Staff Welfare

If you employ anyone (however short the period) you must 'so far as is reasonably practicable', provide adequate and appropriate welfare facilities for them while they are at work. This means you must provide such facilities unless it is clearly unreasonable in terms of time, trouble, cost and physical difficulty. 'Welfare facilities' are those that are necessary for the well-being of your employees, such as;

- Washing facilities,
- Toilets,
- Rest area
- Changing facilities
- Somewhere clean to eat and drink during breaks

Read the Guidance from the Health and Safety Executive here:

<http://www.hse.gov.uk/pubns/indg293.pdf>

Health and Safety

All workers are entitled to work in environments where risks to their health and safety are properly controlled. Under health and safety law, the primary responsibility for this is down to employers. Employers have a duty to consult with their employees, or their representatives, on health and safety matters. Health and Safety regulations are vast but you can get lots of help from the Health and Safety Executive website here:

<http://www.hse.gov.uk/workers/>

RIDDOR (Reporting injuries, diseases and dangerous occurrences)

If you are an employer, you must report any work-related deaths, and certain work-related injuries, cases of disease, and near misses involving your employees wherever they are working.

Responsible persons should complete the appropriate online report form. The form will then be submitted directly to the RIDDOR database. You will receive a copy for your records. We will receive a copy of the report and it will be passed to an officer who may wish to carry out an investigation or visit the premises.

The RIDDOR reporting form can be found here:

<http://www.hse.gov.uk/riddor/report.htm#online>

2.2 Disabled Access and Toilet Facilities

The Disability Discrimination Act creates rights for any individual defined by the Act as a Disabled Person not be discriminated against in:

- Employment
- The provision of goods, facilities and services
- The selling or letting of land and property
- Education
- Transport

This section of the guide will deal with the provision of goods, facilities and services in relation to a food business only.

There may be other rules that are relevant to you in relation to access to your business and welfare facilities. Information can be found here:

<http://startups.co.uk/the-disability-discrimination-act-a-guide/>

2.3 Staff Training

Food business operators are required by law, to ensure that food handlers receive appropriate supervision and instruction/training in food hygiene in line with their work activity and should enable them to handle food safely.

Methods of Training and Frequency

In the UK food handlers do not have to hold a food hygiene certificate to prepare or sell food, although many food businesses will prefer that they do. The necessary skills may be obtained through on-the-job training, self-study or relevant prior experience. Topics that food handlers need to be aware of include:

- Food Poisoning
- Cross-Contamination
- Personal Hygiene
- Cleaning
- Cooking and Chilling

UK food hygiene certificates don't have an expiry date. It is left to the discretion of the food business operator or environmental health officer to decide whether a refresher course is needed. This may be a result of changes to legislation or technological developments in food hygiene. When an officer inspects your business they may recommend training for your staff.

Courses and Qualifications

The Food Standards Agency has published guidance written by the Food and Drink Sector Skills Council that explains in detail the requirements for staff training as well as recommended qualifications and levels of knowledge for different roles and responsibilities:

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/fstg.pdf>

Chapter 3 - Food Safety and Hygiene

Good food Hygiene is essential to help prevent food poisoning and protect your reputation with your customers. This section of the guide tells you what you need to do to make sure your food business is safe.

3.1 Food Hygiene Ratings Scheme

Thanet District Council is responsible for implementing The Food Hygiene Rating Scheme (FHRS) in Thanet. This scheme is designed to help consumers choose where to eat out or shop for food by giving them information about the hygiene standards in restaurants, takeaways and food shops.

Ratings are given to places such as restaurants, takeaways, cafés, sandwich shops, pubs, and hotels. Ratings are also given to other places where food is eaten away from home, such as schools, hospitals and residential care homes. Places where people shop for food, such as supermarkets, bakeries, and delicatessens are also given a rating. Some places where people might eat away from home or buy food such as childminders and businesses that offer caring services at home are inspected but are not given a rating. This is generally because they are a low risk to people's health, for example, a newsagent selling only wrapped sweets.

These businesses might be listed on this website, and will be shown to be 'exempt' from the scheme.

Routine Food Hygiene Inspections

Inspections of your premises will be carried out at registration and then at intervals depending on the risk rating given to the business by the inspecting officer.

During the inspection, the officer will check specific areas of practice within your business such as handling, structure and management. The hygiene standards found at the time of inspection are then rated on a scale. At the bottom of the scale is '0' – this means urgent improvement is required. At the top of the scale is '5' – this means the hygiene standards are very good.

If the top rating is not given, the officer will explain to the person who owns or manages the business what improvements need to be made and what action they can take to improve their hygiene rating.

Further information about the scheme can be found here:

<https://www.food.gov.uk/business-industry/caterers/hygieneratings>

3.2 Food Safety Management Systems and HACCP

HACCP (Hazard Analysis and Critical Control Point) is a system that helps food business operators look at how they handle food and introduces procedures to make sure the food produced is safe to eat. When an officer comes to carry out an inspection of your premises they will expect to see some form of system in place. This is often called a Food Safety Management System.

Safer Food for Better Business

In England the Food Standards Agency have published some ready-made food safety management systems which are available for you to print off and start to use straight away. There are different packs dependent on the type of business that you run. Officers will often ask to see this pack when they come to inspect your business. The pack covers a number of areas of food safety including:

- Cross-Contamination
- Cleaning
- Chilling
- Cooking
- Management
- Daily and Weekly Diary

You can print a pack here:

<https://www.food.gov.uk/business-industry/caterers/sfbb>

Hazard Analysis and Critical Control Point

You may need a more complex food safety management system due to the nature of your business. In this case there is more information available on the Food Standards Agency Website. You may wish to employ a professional consultant to write a HACCP plan with you, if you choose to do this it is important that you are involved in the process and have a clear understanding of the plan and its contents.

<https://www.food.gov.uk/business-industry/caterers/haccp>

3.3 Registration and Approved Premises

Registering your Business

You should register your premises with the Environmental Health department at least 28 days before opening – registration is free. Registration will prompt a food hygiene inspection.

Registration applies to most types of food business, including catering businesses run from home and mobile or temporary premises, such as stalls and vans. If you have more than one premises, you will need to register all of them. You will also need to register the business if you have taken it over from someone else or if you change the nature of the business. You can register your business online here:

<http://thanet.gov.uk/your-services/food-safety/registering-a-food-business/register-a-food-business/>

Approved Premises

If you decide to start a business that handles, prepares or produces products of animal origin on a manufacturing level then you may be subject to approval before you are allowed to begin trading. This is because of the high risk nature of animal product processing and production in terms of human health.

Before commencing any production you must contact the Environmental Health Food Safety Team in order to discuss your plans with a food safety officer. You will then be sent an application for approval form which you must complete and send back as soon as possible so that an officer can come out to inspect your premises. The purpose of the inspection is to ensure the premises meet the standards required for approved premises and to ensure your documentation is correct.

Food businesses must not commence any business activity which requires approval, unless they have received conditional or full approval for the proposed activity from the food safety team. To commence business without approval is an offence for which the business is likely to be prosecuted.

Further Information

Approval is a complex subject that should be understood in detail. We recommend that you visit the Food Standards Agency website to read the guidance and speak with a consultant. You may also wish to contact the Food Safety Team in order to discuss your plans in the initial stages.

<https://www.food.gov.uk/enforcement/sectorrules>

3.4 Planning the Layout of your Food Business

It's tempting to cut corners when designing the layout of a restaurant. But doing so can lead to long-term problems and unnecessary renovations in the long term so getting it right first time is always best.

There are certain things that an officer will look for when inspecting a food business in terms of the structure, design and layout of your food preparation and food storage areas.

The Kitchen

The kitchen has to have adequate space for all of the necessary equipment, plus ample room for employees to work (free movement). Necessary equipment can include ovens, stoves, broilers, fryers, a dishwasher machine, double sinks, and plenty of shelf space.

If you use any gas appliances in your business you will need to have an up to date gas safety certificate from a Gas Safe registered company.

You must ensure that there is a separate hand wash basin for kitchen staff to use which is not used for anything else. You must also ensure that separate sinks are used for washing utensils and washing food.

You will also need to consider whether you will have separate areas for preparing high risk and ready to eat foods or whether you will need to use other safe methods to prevent cross-contamination.

Food Stores

There must be plenty of room for food storage. If you have too much stock or not enough room this will increase the fire risk and will make stock rotation and management very difficult. Any walk in areas or rooms used for food storage should be indoors, free of any damp or moisture, of a suitable temperature, and walls and ceilings should be in good condition and should be smooth and easy to clean. Food should always be stored off the floor.

Guidance and Advice

You can seek further advice from a professional consultant who will be able to guide you if you are starting a new food business completely from scratch. In some cases a food officer may be able to offer advice on any plans you may send in.

The following leaflet has further guidance on the layout of a safe kitchen:

<http://www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/hyieneguidebooklet.pdf>

3.5 Allergen Advice and Information

The New Allergen Information Rules

In December 2014 the Food Information Regulations came into force in England and Wales. These regulations mean that food businesses must now communicate allergens contained within their foods to the final consumer, either in writing through labels or menus or verbally by explaining ingredients to customers.

If you are manufacturing food and need labelling advice enquiries should be directed to Trading Standards at Kent County Council:

03000 412000

Trading.standardswest@kent.gov.uk

When considering whether you need to provide your customers with verbal or written communication you need to look at the type of business you operate. Consider what is proportionate to your business, fundamentally it is you who is responsible for communicating allergens clearly and having the information available and ensuring that your customers are safe.

The 14 Allergens

- Eggs
- Fish
- Molluscs
- Tree nuts
- Cereals containing gluten
- Celery and celeriac
- Lupin
- Milk
- Crustaceans
- Peanuts
- Sesame seeds
- Soybeans
- Mustard
- Sulphites

Get further information from our website:

<http://thanet.gov.uk/your-services/food-safety/food-allergens/food-allergen-legislation/>

Free Training

Because the regulations surrounding the communication of Allergens is relatively new, the Food Standards Agency are offering some free online training which you can access here:

<http://allergytraining.food.gov.uk/>

Further Reading and Information

Below is a list of useful sites that you can also visit to find out more about the topics covered in this guide. If you require further advice or assistance you can contact us:

Environmental Health
Thanet District Council
PO Box 9
Cecil Street
Margate
Kent
CT9 1XZ

Tel: 01843 577000
Email: Environmental.Health@thanet.gov.uk

Useful Websites:

www.food.gov.uk - Food Standards Agency

www.tradingstandards.gov.uk - Trading Standards

www.HSE.gov.uk - Health and Safety Executive

www.defra.gov.uk - Department for Environment Food and Rural Affairs

www.gov.uk/rights-disabled-person/overview - Disability Rights UK

<http://www.gassaferegister.co.uk> - Gas Safe