

# Starting up a food business from home

## General Guidance

The guidance below is not definitive and should be regarded as an introduction to the topic. Further research should be made by the individual on the legal requirements for their business activities and needs. It is ultimately the food business operator's responsibility to ensure that their food business activities comply with all the relevant legislation.

### General

When running a commercial food business, whether it be from your domestic kitchen or a commercial unit, you will need to follow and comply with all relevant food law.

## Registering

When you start a new food business or take over an existing business, you must register your food business with us. You can request a food business registration form by emailing Environmental Health [env.health@orkney.gov.uk](mailto:env.health@orkney.gov.uk)

You should register your business at least 28 days before opening. Registration of your food business is free and can't be refused. If you are already trading and have not registered, you need to do so as soon as possible.

## Food hygiene and safety

### Cross-contamination

Cross-contamination is what happens when bacteria, other microorganisms, chemicals and physical objects like hair or plastic, are unintentionally transferred from one object to another. The most common example is the transfer of bacteria between raw and cooked food.

It is good practice to keep your commercial and domestic food items and utensils separate. For example,

- Having a separate kitchen cupboard for storing only commercial ingredients and utensils.
- Having a separate fridge or shelf in your domestic fridge for commercial ingredients.
- Separating any frozen foods for commercial use from domestic foods eg in a sealed labelled container.

Some additional actions to take to ensure the safety of the foods you are purchasing, storing and preparing would be to:

- make sure you take enough shopping bags to pack raw and ready-to-eat food separately

- take extra bags to pack cleaning products and other household items separately from food
- check your bags for spillages after every use. If there has been visible spillage, soiling or damage, plastic bags for life should ideally be used for another purpose (where no safety risk will occur) or replaced
- consider using cotton/fabric bags for life as they can be put in the washing machine and cleaned and replace old plastic bags
- use different utensils, plates and chopping boards for raw and cooked food
- wash utensils, plates and chopping boards for raw and cooked food thoroughly between tasks
- make sure you do not wash raw meat
- wash your hands after touching raw food and before you handle ready-to-eat food.
- cover raw food, including meat, and keeping it separate from ready-to-eat food
- use any dish that has a lip to prevent spillages
- store covered raw meat, poultry, fish and shellfish on the bottom shelf of your fridge
- use different utensils, plates and chopping boards for raw and cooked food

## **Personal hygiene**

It is important that you observe high levels of personal hygiene when running a food business in order to reduce the potential contamination of the food you are selling. You must wear appropriate overclothing for instance an apron and tie long hair up or ideally wear a hairnet.

In addition, jewellery should not be worn and fingernails should be kept short and free from nail varnish/false or acrylic nails.

You must also be fit for work at all times. This means that you must not be suffering from, or carrying, an illness or disease that could cause a problem with food safety. People who are not 'fit for work' could spread harmful bacteria to food.

You should stop all commercial food activities if you or any member of your household has diarrhoea and/or vomiting. People suffering from these symptoms often carry harmful bacteria on their hands and can spread them to food or equipment they touch.

Current Department of Health advice is that food handlers suffering from diarrhoea and/or vomiting should be excluded from food handling for 48 hours after their symptoms have stopped. You should therefore not recommence your commercial food business until you or any member of your household are 48 hours symptom free. Any illness should be documented in your food safety management system, see below.

## **Handwash facilities**

You must have a dedicated handwash basin in your kitchen. This could be one half of a double sink unit or half basin. If you only have one kitchen sink then you could time separate tasks.

For instance: you would use it as a cleaning sink only when you start/open your kitchen as you will be cleaning and disinfecting work surfaces. Once finished you would clean and disinfect the sink ready for its next task as a food prep sink, so washing any ingredients as necessary. Once this task is complete, cleaning and disinfecting the sink

and then using it as a dedicated handwash basin only with any washing up stored to one side. Once you have finished your food preparation, the sink can revert to a washing up sink.

You must have soap and a means of drying hands available for use at the sink.

Whatever system you choose, you should write your procedure down and include it in your food safety management system (eg Cooksafe).

## **Disinfectant**

The disinfectant that you use should comply with BSEN 1276. This is an industry standard which proves that the bactericidal activity of the disinfectant, if used correctly, is effective against controlling harmful micro-organisms. Some disinfectants, like Dettol, are not tested to this standard but many, even supermarket own brands, are.

Here are some cleaning terms:

Detergents or Degreasers are required to clean items or areas which are greasy or oily. These materials do not kill bacteria. Disinfectants should comply with the British bactericidal standard, BSEN 1276. For COVID you would need to use a virucidal disinfectant which meets British standard BSEN 14476. You can find disinfectants that do both.

Disinfectants should be used on surfaces which come into contact with food or hands and must be of a 'food safe' type. They kill bacteria but do not have cleaning properties. It is important to clean items or areas with detergent before using disinfectants.

Sanitisers are chemicals which have detergent and disinfectant properties. When used in food preparation areas they must be of a 'food safe' variety.

## **Structural Requirements**

The basic structure of your kitchen, including walls, floors, ceilings, work benches etc, are that they should be easy to clean and keep clean and not pose as a risk of contamination to food.

Windows should be kept closed to prevent any flying pests entering.

Domestic activities that present a risk of food contamination, such as access of pets and the handling of laundry (especially heavily soiled materials and nappies etc) must not happen at the same time as commercial food preparation, and adequate steps must be taken to clean and disinfect the area before food is produced

Pets and young children must be excluded from the kitchen when commercial activities are taking place.

## **Training**

The Royal Environmental Health Institute of Scotland (REHIS) is a recognised training body in Scotland where you can access eLearning if required. I attach the relevant link below. You should have a minimum of Elementary/level 2 food hygiene training.

Other training providers are also available. You should keep records of your training, any refresher training you undertake, recommended every 3 years, and copies of training certificates should be placed in your food safety management system.

<https://www.rehis.com/community-training/courses/course/elementary-food-hygiene-e-learning>

### **Chilled temperature control**

The foods which you sell that are high risk (those which would support the growth of pathogenic microorganisms) are required to be kept under temperature control (below 8°C, ideally between 3-5°C) for example, fresh cream products, cheesecakes, sandwiches, ready to eat foods, sausage rolls etc. You need to monitor the temperature of these products at all stages of storage and production.

If you cannot ensure that high risk products are kept at the correct temperature and be able to demonstrate this through monitoring and record keeping, then you must not sell these types of foods.

Written procedures and monitoring records would form part of any due diligence defence for you as a food business operator. A “due diligence defence” means that you have taken all reasonable precautions and exercised all due diligence to prevent the incident from happening and is recognised in food law.

### **Cooking**

Thorough cooking kills harmful bacteria in food. Undercooked food could cause food poisoning.

#### **Cooking meat**

Most types of meat should be thoroughly cooked as there could be harmful bacteria in the middle. You should thoroughly cook the following types of meat:

- poultry, for example chicken or turkey
- duck and other fowl
- pork
- rolled joints
- products made from minced meat, such as burgers, sausages and kebabs
- kidneys, liver and other types of offal

Before you serve them, check that:

- they are steaming hot all the way through
- any juices run clear
- there's no pink or rare meat inside

With whole cuts of beef and lamb such as steaks, cutlets and roasting joints (not rolled joints), it is usually only the surface which can be contaminated with food poisoning bacteria. Make sure the meat surface is properly cooked and sealed to kill any bacteria, even if the middle of the meat is still pink.

Standard advice is to cook food until it has reached a core temperature of 75°C. however other time temperature combinations are also effective.

The other time and temperature combinations are:

- 60°C for 45 minutes
- 65°C for 10 minutes
- 70°C for 2 minutes
- 75°C for 30 seconds
- 80°C for 6 seconds

Cooking food at the right temperature and for the correct length of time will ensure that any harmful bacteria are killed. You can use a clean and disinfected probe thermometer to check the temperature by inserting the tip into to the centre of the food or the thickest part.

Please be aware that there are a few differences between Scottish and English food law surrounding temperatures and your best resource is Cooksafe.

### **Food Safety Management System**

You are required to put in place a documented food safety management system based on HACCP (Hazard Analysis and Critical Control Points). This is basically a management system which demonstrates how you keep the foods you are using in your business safe at all stages, from purchase, to storage, to cooking, etc.

In order to help food businesses comply with this legal requirement, Food Standards Scotland have created a free, generic food safety management system which businesses can adapt and mould around their own food activities, called Cooksafe. Other generic systems are also available and if you wish you can create your own, but if you do, it must comply with the requirements set out in food law – Cooksafe does.

I have attached the Cooksafe link below. As Cooksafe is a generic system, you will see that it covers many aspects of catering. If any of these are not relevant to your business, then they can be omitted, and conversely, if you carry out an activity within your business which is not covered, you should create your own house rules, monitoring etc for it.

[CookSafe Manual | Food Standards Scotland](#)

### **Gluten free and low gluten claims**

A gluten-free claim is a statement to the consumer that eating the product will not cause an allergic reaction in sensitive individuals. Gluten-free claims should not be made unless production control and in-store handling procedures are sufficiently robust to ensure that there is no gluten contamination and that test results show that gluten is present at less than 20 mg/kg.

If you wish to make a claim of 'very low gluten' then you must ensure that the product contains no more than 100 mg/kg.

No other gluten claims are permitted (for example, 'Made with no gluten-containing ingredients').

## **Allergens**

By law you have to declare the presence of any of the 14 allergens, see below, in any of the food you are selling. It is your decision how you convey this information to your customer, but you must provide clear signposting to where your customers can find this information if you choose not to display it upfront, on your menu for instance.

The reason for this is to protect your customers, and consumers in general, from purchasing potentially harmful foods by giving them clear and correct information, which is not misleading, on the foods they are buying and potentially consuming. This enables them to make an informed choice whether to purchase and consume or not.

In addition, by declaring the allergens present in the foods you are selling, you are potentially giving yourself a defence under due diligence from potential criminal and civil court actions which could occur if one of your customers became ill or even died from eating your food.

By having a documented food safety management system based on the principles of HACCP (Hazard Analysis and Critical Control Point), for instance by adopting and using Cook Safe, you will be able to demonstrate how you ensure the food you purchase, store, prepare, sell etc is safe for your customers. Your allergen policy should be incorporated into your management system and this system, as a whole, will contribute towards any due diligence defence, if ever needed.

### The 14 allergens are:

1. celery,
2. cereals containing gluten (such as barley and oats),
3. crustaceans (such as prawns, crabs and lobsters),
4. eggs,
5. fish,
6. lupin,
7. milk,
8. molluscs (such as mussels and oysters),
9. mustard,
10. peanuts,
11. sesame,
12. soybeans,
13. sulphur dioxide and sulphites (if they are at a concentration of more than ten parts per million), and
14. tree nuts (such as almonds, hazelnuts, walnuts, brazil nuts, cashews, pecans, pistachios and macadamia nuts).

## **Allergen training**

The Food Standards Agency, in conjunction with Food Standards Scotland provides free online training on allergens. Although it is not a legal requirement to undertake this training you may wish to consider completing this to assist you with your allergen controls.

<https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/food-allergies-2/allergen-training-tool>

## Resources

Some additional online resources which may also be of assistance:

[Food labelling regulations & composition | Food Standard Scotland | Food Standards Scotland](#)

[Food allergy regulations for business | Food Standards Scotland | Food Standards Scotland](#)

[Business Information - Food Hygiene Information Scheme | Food Standards Scotland | Food Standards Scotland](#)

<https://www.foodstandards.gov.scot/business-and-industry/safety-and-regulation/fhis-info-for-businesses>

[Packaging and labelling | Food Standards Agency](#)

[Food date labelling | WRAP](#)

[Business guidance | Food Standards Agency](#)

[CookSafe Manual | Food Standards Scotland](#)

[Guidance on “Free-From” allergen claims | The Food & Drink Federation \(fdf.org.uk\)](#)

[Gluten free and the law - Coeliac UK](#)

[Elementary Food Hygiene by e learning | REHIS](#)

## Key legislation

- [Food Safety Act 1990](#)
- [The Food Hygiene \(Scotland\) Regulations 2006 \(legislation.gov.uk\)](#)
- [Regulation \(EC\) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs \(legislation.gov.uk\)](#)
- [Regulation \(EC\) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition \(legislation.gov.uk\)](#)
- [Regulation \(EC\) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety \(legislation.gov.uk\)](#)
- [Food \(Lot Marking\) Regulations 1996](#)
- [Regulation \(EU\) No 1169/2011 on the provision of food information to consumers](#)

- [The Food Information \(Scotland\) Regulations 2014 \(legislation.gov.uk\)](#)
- [Bread and Flour Regulations 1998](#)
- [The Jam and Similar Products \(Scotland\) Amendment Regulations 1990 \(legislation.gov.uk\)](#)
- [Regulation \(EC\) No 1333/2008 on food additives](#)
- [The Nutrition and Health Claims \(Scotland\) Regulations 2007 \(legislation.gov.uk\)](#)
- [The Private Water Supplies \(Scotland\) Regulations 2006 \(legislation.gov.uk\)](#)

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