

Food Safety and Hygiene offences

Applying the definitive guidelines effective from 1 February 2016

R is an individual who owns and runs the Mountain Grill restaurant and has pleaded guilty at the first opportunity to 9 food safety and hygiene offences. R has no previous convictions, and states he earns approximately £300 per week and has no savings.

Guideline note

As an individual R will be sentenced using the guidelines for individuals.

A guilty plea at the first opportunity would entitle R to a one third reduction to his sentence.

The Mountain Grill had been visited on four occasions by Environmental Health Officers. On each occasion, officers had spoken to R and emphasised the need to improve standards, providing advice on how this could be achieved. The officers had highlighted the free training courses that were available to food handlers.

Environmental health officers subsequently performed an unannounced inspection of the Mountain Grill. Officers found that there was a build up of dirt, grease and food throughout the premises and food handlers were still untrained in food hygiene matters and were not observing effective procedures in relation to food handling.

Guideline note

As R had received four previous visits from inspectors and on each occasion been told of the need to improve standards, he could be said to have flagrantly disregarded the law, leading to an assessment of 'very high' culpability.

Guideline note

The risk of harm involves the consideration of both the likelihood of harm occurring and the extent of it if it does. This case could be deemed as harm category 2 as the offending has created a medium risk of an adverse effect on individuals (or a low risk of a serious adverse effect).

Guideline note

At Step 2 of the guideline very high culpability and category 2 harm would indicate a starting point of a Band F fine with a range of Band E fine to nine months' custody.

Officers have emphasised the difficulty in identifying quantifiable economic benefit to R in this case. They estimate that salary paid for workers attending free training courses as opposed to attending work would have amounted to £250.

Guideline note

The economic benefit R has derived from the offence would normally be added to any the total at step 3. Where this is not readily available, the court may draw on information available from enforcing authorities and others about the general costs of operating within the law.

Motivation by economic gain, poor food safety and hygiene record and refusal of free advice or training are all aggravating features.

Having no previous convictions is a mitigating factor.

In all cases the court must consider whether to make ancillary orders which may include a Hygiene Prohibition Order.

Overall, given the aggravating factors in this case, the poor food safety and hygiene record, motivation by economic gain and refusal of free advice or training, despite the mitigating factor of having no previous convictions, it is likely that the sentence would be above the starting point before the reduction for a guilty plea.

As there are multiple offences, the court must consider the principle of totality before sentencing.

Guideline note

Even where the community order threshold has been passed, a fine will normally be the most appropriate disposal. Or, consider, if wishing to remove economic benefit derived through the commission of the offence, combining a fine with a community.