

Our Approach to Enforcement

We have adopted central government's "Enforcement Concordat" and have produced joint "Enforcement Policies" with the local authorities in Humberside and South Yorkshire. These explain how and when we will use the enforcement options contained in Food Safety and Health and Safety at Work legislation.

Our enforcement aims are to:

- Ensure the provision of safe food and
- Protect the health, safety, and welfare of employees and others who may be exposed to risks from work related activities.

The key objectives of our policies are:

- To provide advice in order to raise standards without taking enforcement action.
- To ensure that enforcement action taken is proportionate to the food or health and safety risk and its effect on public health.
- To achieve fair and consistent enforcement across the region and within Sheffield.
- To take firm action with regard to serious breaches of the law, irresponsible actions, or persistent failure to follow advice given.

We try to ensure that advice and information is accessible to all members of the community. We use interpretation / translation services, we subscribe to "Type-Talk", and can provide information in large print, braille, or on audio-cassette if required.

Licensed/Approved Premises

Some businesses (e.g. manufacturers of certain products, those selling alcohol or holding public entertainment events) must be either licensed or approved by us in order to trade.

We can serve Remedial Action notices or detain food in approved premises if hygiene requirements are not being met.

We also have the power to suspend or revoke licenses or approvals where there are significant breaches of the law.

Before this step is taken we will write to the business to explain why this action is being considered and how they can appeal.

Death at Work

Where there has been a breach of the law leading to a work - related death, the police carry out a preliminary investigation to determine whether the circumstances of the case justify a charge of manslaughter.

In these situations we liaise with the police to ensure that both our investigations are effectively co-ordinated.

Copies of the wording of this leaflet can be made available in large print, Braille, and on audio tape. Copies of this leaflet are available in Urdu, Bengali, Arabic, Chinese and Somali. The Health Protection Service can be contacted on tel: (0114) 273 5774. Email: healthprotection@sheffield.gov.uk



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Food Safety and Health and Safety Legislation

Our Approach to Enforcing

HEALTH PROTECTION SERVICE
ENVIRONMENT AND REGULATORY
SERVICES, SHEFFIELD CITY COUNCIL



Introduction

The Health Protection Service is responsible for promoting and enforcing food safety and health and safety standards within Sheffield.

We know that most businesses want to comply with the law and have adopted an advisory approach to enforcement. We will therefore take care to help businesses and others meet their legal obligations without unnecessary expense and carry out our enforcement functions fairly and consistently.

However, as our primary aim is to protect the public we must take firm action, including prosecution where appropriate, when there is a serious breach of the law and when people act irresponsibly.

This Leaflet Briefly Describes

- Our approach to enforcing legislation.
- The enforcement action we can take.
- Why and when enforcement action is taken and what this means to you.
- How to appeal or complain if you do not agree with the enforcement action taken by our officers.

Enforcement Options

The table opposite shows the enforcement action we can take, why and when enforcement action is taken and what this means to you and how to appeal.

Enforcement Options			
Enforcement Action We Can Take	Why And When Enforcement Action Is Taken	What This Means To You	How To Appeal
No Further Action	Premises found to be satisfactory	A letter confirming that standards are satisfactory will be sent to you	-
Informal Action	New premises inspected for the first time or existing premises where minor problems found	An informal or warning letter will be sent to you giving advice on compliance	By contacting the enforcement officer or the Health Protection Manager
Food Hygiene Improvement Notice / Health and Safety Improvement Notice	Major problems found and/ or repeated failure to follow informal advice given	Notice sent to you stating what needs to be done, why, and by when. A revisit will be made to check compliance. Failure to comply will result in a prosecution	Appeal to Industrial Tribunal or Magistrates Court. Details of appeals process will be sent with the notice
Health And Safety Prohibition Notice	Used where a work activity or process involves risk of serious personal injury	You must stop the activity or process until remedial action has been taken.	Appeal to Industrial Tribunal. Details of appeals process will be sent with the notice
Food Hygiene Emergency Prohibition Notice	Used where there are major problems giving rise to imminent risk of injury to health	You must close your premises or stop using a specific process until remedial action has been taken.	The notice must be confirmed by the Magistrates Court. You will be advised of the court date and may appeal at this hearing
Prosecution	Used when there has been a serious breach of the law or where people have acted irresponsibly, have ignored previous advice or warnings, or have not complied with legal notices	If the prosecution is successful the court may impose fines and possibly imprisonment	Consult a solicitor
Formal Caution	Offered as an alternative to prosecution for a first time offence, of a less serious nature, where the accused admits responsibility	A formal Caution remains in force for three years and may be cited in subsequent legal proceedings taken within this time limit	To the Health Protection Manager