

What to do if you disagree with action taken

Local businesses that disagree with any action taken by the Food, Health and Safety Team have a number of options available to help them resolve their problem.

Any written correspondence to businesses or members of the public will give the name of the officer dealing with their premises or complaint, and this officer will be happy to discuss any problems and to suggest alternatives or suitable compromises where appropriate. The Head of Food, Health and Safety can also be contacted if preferred, and she or another senior officer will be pleased to discuss any difficulties or differences of opinion, and take action where appropriate.

Where a problem cannot be resolved informally, there are a number of other ways of dealing with the issue including:-

- The Chief Officer of the Planning and Public Protection service can be contacted and asked to review your case.
- The Torfaen County Borough Councils Complaints Process is the next step (a leaflet is available from us, local libraries etc called "Your Guide To Getting Things Put Right").
- The local government ombudsman can be approached where other avenues of complaint have failed (details are contained in "Your Guide to Getting Things Put Right").

We would welcome any comments and suggestions you may have concerning how this authority enforces food safety health and safety legislation.

Getting Further Information

If you have any queries, wish to discuss food or health and safety enforcement in Torfaen or want further information or an information pack, you can either :-

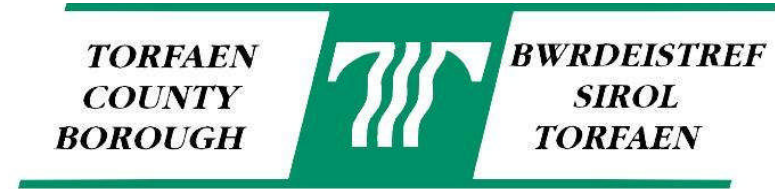
- Telephone the Food, Health and Safety Team on 01633 647621/22
- Write to us at: the Food, Health and Safety Team, Floor 4, County Hall, Cwmbran, NP44 2WN
- E-mail us at commercial.services@torfaen.gov.uk
- Look on Torfaen's web-site at www.torfaen.gov.uk

We have a wide range of leaflets covering food hygiene and health and safety issues, and can advise you where to obtain more detailed information. We are also happy to look at plans and give advice, whether you are a new business or are making changes to an existing business.

If you are setting up a new food business in the Torfaen area, it is vital that you speak to us before you start trading as you will probably need to register your business with us. Some higher risk businesses also need approval or licensing before they start.

(This leaflet is not intended as an authoritative statement of the law, and business proprietors may wish to obtain further information or legal advice).

This leaflet is available in Welsh and a range of other languages on request.



TORFAEN COUNTY BOROUGH COUNCIL

FOOD HYGIENE AND HEALTH AND SAFETY ENFORCEMENT IN TORFAEN

Our Commitment to you

We recognise that enforcement is best achieved by working in partnership with local people and local businesses, and we are therefore committed to ensuring that local needs and views are taken into account when we carry out our Food Safety/Health and Safety Enforcement roles.

This leaflet has been written so that local businesses may understand how enforcement is carried out by the Food, Health and Safety team and how it could affect their business.

Our Aims

Whenever we take enforcement action, our aim is to ensure that

- Food and drink which is produced, stored, distributed, handled, labelled or sold for human consumption within this authority is fit for its purpose and without undue risk to the health or safety of the consumer due to non compliance with Food Law.*
- Any business operating in the Torfaen area and falling within the remit of the Authority for enforcement, operates in a way that ensures the health, safety and welfare of those working in or visiting the premises.*
- Any member of the public approaching the Food, Health and Safety team with a complaint or a request for information will receive a prompt, helpful and comprehensive reply.*
- Businesses are given assistance in terms of information and advice, to help them ensure that they comply with the appropriate legislative requirements, and minimise risk to the health or safety of their customers whilst recognising their commercial needs and aspirations.*
- The enforcement role of the Food, Health and Safety team is carried out in a way which ensures effectiveness, efficiency, economy, uniformity, quality and openness.*

Activities that could lead to enforcement action

We carry out a range of work that could lead to enforcement action if we find that the law on food hygiene, health and safety etc is not being complied with. These activities include

- The inspection of all premises in Torfaen on a routine and programmed basis. (There is a rolling five year inspection programme, covering all food premises and most workplaces in Torfaen)*
- Reviewing the information held regarding premises in the Torfaen area to ensure that all are registered and licensed as appropriate.*
- Investigating complaints and requests for service made to Torfaen County Borough Council regarding Commercial Premises.*

(The work for the team and the targets we intend to achieve are set out in the annual Service and Operational Development Plan, and the Food Service and Health and Safety Service Plans give more detail about how this work will be carried out)

Our Enforcement Role

The word "enforcement" is often taken to mean formal action, but in fact includes a variety of activities ranging from advice and education, through to prosecution or closure. The purpose of such enforcement is to

- Make sure that serious risks to health etc are dealt with immediately
- Ensure that the law is being complied with
- Ensure that those who break the law are held to account where appropriate.

We can take a number of enforcement steps, including

- Verbal advice, letters etc outlining the steps needed in order to comply with the law
- Notices requiring work to be done and giving a timescale for compliance
- Emergency prohibition notices and/or the closure of premises etc where there is a really serious risk to health
- Prosecution or a formal caution where a serious breach of the law has occurred.

We generally take a graduated approach to enforcement, as we believe this not only helps businesses, most of whom are eager to comply with the law, but also helps to make the best use of this Authority's resources. Enforcement based on education also encourages far higher standards than are required by law.

The form of enforcement action taken will depend on a number of factors including:-

- The previous history of the premises and the proprietor
- The record of compliance/non compliance
- The likely response to an informal / educational response
- The willingness to prevent a reoccurrence
- Any explanations offered
- Any "due diligence" defence put forward
- The seriousness of the risk to public health
- The probable public benefit of the action chosen

By looking at all of these factors, we try to ensure that caring, concerned business proprietors will generally be subject to less formal enforcement action than proprietors who do not know or do not care about the safety of their customers or the law. Indeed we like to recognise the achievements of the best businesses in our area, and are therefore participating in the Welsh Food Hygiene Award Scheme.

Whatever action we take, business proprietors will receive an inspection report which tells them what was found and what action we propose taking. We will clearly state what contraventions of legislation were found and what action the proprietor needs to take to remedy these, and a time-scale will be specified – normally after consultation with the proprietor. We will also make recommendations where appropriate, to help business proprietors achieve higher standards if they so wish.

Whatever action we take, we will try to ensure that our enforcement role achieves

- Proportionality – our actions will relate to the seriousness of each situation
- Consistency – we will take similar action in similar cases so that businesses and residents know what to expect of us
- Transparency – we will be open about what we do and how we make decisions
- Targeting – we will focus on the most serious risks and breaches of the law
- Accountability – the authority will take responsibility for the actions of its officers and make sure that they are trained and competent for the job that they do.