

### 3. Prosecution

The Council will restrict prosecution to those persons who blatantly disregard the law, refuse to achieve even the basic minimum legal requirements often following previous contact with the Council and who put the public at serious risk.

### 4. Formal Caution

Following the officer's advice the Council may consider issuing a formal caution as an alternative to prosecution in order to:

- Deal quickly and simply with less serious offences.
- Divert less serious offences away from the courts.
- Reduce the chances of repeat offences.

This is an option offered to businesses in certain circumstances and depends on the business admitting the offence. Where they decline the offer of a formal caution a prosecution will be considered.

### Decision Making

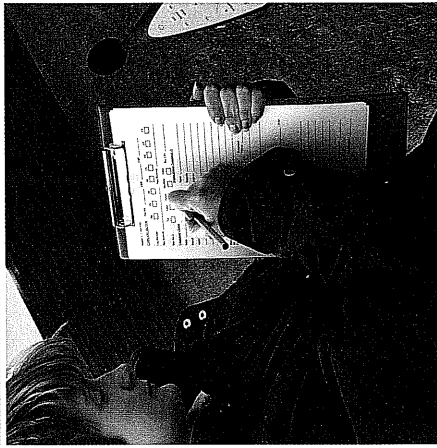
Decisions for any enforcement actions are taken by the inspecting Environmental Health Officer and where necessary recommendations will be made to senior officers, or the Council when considering formal enforcement action.

Before proceeding with a prosecution, the Council must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person or company. The Council must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction. The Council must also be satisfied that it is in the public's interest to prosecute and in this context it will consider guidance contained in the Code for Crown Prosecutors.

With regard to food safety inspections the Council recognizes the importance of a clear differentiation between legal requirements and recommendations which are best practice as advised by inspecting Environmental Health Officer's.

For further information please contact:

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## FOOD SAFETY

## ENFORCEMENT

# ENVIRONMENTAL HEALTH

Information Service



INVESTOR IN PEOPLE

## Introduction

The Council has a number of formal policies relating to the enforcement of Food Safety in the district which ensures compliance with the Food Safety (NI) Order 1991 and associated Codes of Practice. Through these policies enforcement action is taken in situations where the public is put at risk, and where food businesses are negligent of their obligations or intentionally infringe the law.

The Council intends to ensure that any food supplied for human consumption, which is produced or consumed in the district, is without risk to the health or safety of the public, and meets relevant standards for quality, composition and labelling.

In applying these policies Environmental Health Officer's will provide an efficient and courteous service thus maintaining a fair and consistently safe trading environment. The following is a summary of how this is achieved. Details of the full policy documents can be obtained from Down District Council Environmental Health Department, or from Down District Council web site, [www.downdc.gov.uk](http://www.downdc.gov.uk).

## Inspecting Food Businesses

All food businesses in the Council area are inspected by Environmental Health Officer's according to statutory codes of practice which take into account considerations such as the size of the business and associated food safety risks.

Following inspections the Environmental Health Officer will decide what action is appropriate if any to compel the business to comply with the law. Inspection reports are issued after every inspection advising businesses of the outcome of the inspection.

## Informal Enforcement

The Council recognizes informal action as one means to secure compliance with Food Law. In this context, informal action includes offering advice, verbal warnings and requests for action, the use of letters and the issue of food hygiene inspection reports, including those generated for a premises following an inspection.

Informal action is appropriate when taking into account:

- The seriousness of the problem and its risk to public health
- The business history
- Confidence in the business management

## Formal Enforcement

Formal enforcement usually follows when informal action has not achieved compliance or when informal action was inappropriate. Formal action may be taken when:

- The seriousness of the problem and the risk to public health is significant.
- The business has a poor history of compliance.
- Confidence in the management of the food business is low.

Formal action which may be considered is as follows:

1. Legal notices issued by Environmental Health Officer's requiring compliance by a specified date, known as improvement notices.
2. Legal notices which stop the continuation of an activity or the whole of a business, these are known as Emergency Prohibition Notices.