

- Obstructed an officer whilst undertaking their duties.

**Remedial Action Notice:** This is similar in effect to a Hygiene Emergency Prohibition Notice but can be applied in wider circumstances within a food business. It remains in force until the action required by the Notice has been fully taken.

## Land Charges

Any Council is required to disclose whether there are any Notices outstanding, including informal notices.

## Suggestions for Service Improvements

The Council is always interested to receive suggestions as to how a service can be improved.

Community Safety and Environmental Health Services carries out its own quality checks and customer surveys but is particularly interested to receive feedback that may result in changes to the service with improved efficiencies, to the benefit of the consumer.

You can do this by writing or emailing the Head of Community Safety and Environmental Health Services at the address shown overleaf.

## Complaints about the Service

If you feel that we have failed to apply the enforcement criteria, as set out in this leaflet, then you may have a valid cause for complaint.

Should you have a complaint that cannot be resolved with the officer concerned then you should write to the Head of Community Safety and Environmental Health Services.

The Food and Safety Manager will normally deal with your complaint and will endeavour to respond within seven working days. If the situation is complicated

and likely to take some time to resolve then a detailed reply will follow as soon as possible.

Full details of the Council's Complaint Procedure can be obtained from the address below.

## Availability of Officers

The nature of Environmental Health work is such that officers spend a large part of the working day away from the office.

Where you are unable to contact an officer, our Food Team Administrator is usually available during the following times:

8:45am to 5pm (Monday to Thursdays)

8:45am to 4:45pm (on Fridays)

## Contacting Us

Food and Safety Manager  
Community Safety and Environmental Health Services  
Reigate & Banstead Borough Council  
Town Hall  
Castlefield Road, Reigate, Surrey RH2 0SH

Food Team Administrator: 01737 276417  
Fax: 01737 276404  
Minicom: 01737 276042  
[www.reigate-banstead.gov.uk](http://www.reigate-banstead.gov.uk)  
Email: [food.safety@reigate-banstead.gov.uk](mailto:food.safety@reigate-banstead.gov.uk)

**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

# Food Safety Enforcement Policy

## An Explanatory Leaflet

**Reigate & Banstead**  
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## Enforcement Policy

It is an aim of Reigate and Banstead Borough Council to minimise any risk to the health, safety and wellbeing of people within the Borough associated with the consumption of food and drink.

The Council believes that its legal enforcement powers should be used appropriately and relative to the seriousness of the situation. Referring a matter for a prosecution in the courts is therefore usually the last option.

This leaflet is intended to provide businesses with an outline of our Food Enforcement Policy. The policy sets out our approach when enforcing the food safety laws and regulations. The full Enforcement Policy can be viewed on our website or a copy can be provided on request. (See contact details on the back of this leaflet).

## General Approach

During a food safety and hygiene inspection, or any food related visit, the officer will identify any aspect of the business not meeting the legal requirements and explain why. A timescale is usually agreed with the proprietor to improve/rectify the situation.

The history of the premises, and its willingness to comply with the legal requirements, is taken into consideration when deciding on the appropriate enforcement action.

Enforcement action can include taking photographs, collecting evidence including samples and interviewing relevant persons, if necessary under caution. Occasionally a food business may pose such a threat to consumers that emergency closure is required to safeguard public health.

Officers have a 'Right of Entry' power and there is a legal requirement that any officer is not obstructed either physically or by not offering sensible assistance as requested. Officers will observe relevant codes and

official guidance and act in a professional manner at all times.

All authorised officers of the Council will abide by the Enforcement Policy when carrying out their enforcement duties and shall receive relevant training to enable them to do so. Only officers with the relevant competence and experience will be authorised to carry out food hygiene inspections and issue and sign legal notices.

## Forms of Enforcement Action

There are a number of options, including:-

**Informal Notice:** This is an Inspection Report or letter following an inspection or visit. It should detail the legal requirement(s) being breached and the agreed timescale in which to rectify the matter. It should only be used when the officer believes that the business will endeavour to comply. The officer may also make recommendations on how to further improve food safety and the business can decide whether to follow such advice or not. Any recommendations should be clearly differentiated from the legal requirements.

**Hygiene Improvement Notice:** This is a formal or legal Notice. It has to be served correctly and the business may appeal. A Hygiene Improvement Notice stipulates the offence, what work has to be done and by when.

**Hygiene Emergency Prohibition Notice:** This may close a food business or part, or stop a particular process. It will only be used where there is an imminent risk of injury to health. Such Notices usually require the Council to apply to the Magistrate's Court for the making of a Hygiene Prohibition Order. If the court disagrees with the action taken by the Council then compensation may be due to the business.

If the Courts find an individual guilty of food law offences, it can consider making a Hygiene Prohibition

Order against them. The effect of this is to prohibit a person from running a food business.

**Simple Caution or Prosecution:** If on inspecting a business it is obvious that serious breaches of food safety regulations exist then such action can be taken immediately. This form of action would be considered where any of the following circumstances apply:

- There had been either gross neglect or intentional defiance of a statutory requirement such as to prejudice public health.
- There have been repeated breaches of legal requirements despite previous warnings.
- There has been a failure to comply with the requirements of a formal or informal Notice.
- The offence was foreseeable and inadequate precautions had been taken.
- The making of false or misleading statements in respect of questions that could lawfully be asked.
- The obstruction of an officer.
- An offence under similar circumstances has occurred in the past.
- Little or no effort being made to meet agreed deadlines.

Following a prosecution or simple caution, details of any matters dealt with in open court may appear in the press and/or other publications.

**Suspension or Withdrawal of Approval:** Additional rules apply for the approval of specific establishments involved in the production of food of animal origin. Suspension or withdrawal of approval may take place when an individual business has or is:-

- Deliberately or persistently breached legal obligations
- Deliberately or persistently ignored warnings or formal notices
- Endangering the health of people