

## **ENFORCEMENT ACTION**

When enforcement action is considered, Environmental Health Officers will always try to be fair and consistent in how we treat businesses. We will always explain why we are taking the action and all businesses will have an opportunity to have their opinions heard if they have any concerns.

Antrim Borough Council has an enforcement policy which outlines how we make decisions regarding enforcement action. The policy can be viewed in the Publications section of the website. (Environmental Health Enforcement Policy 2006).

Environmental Health Officers will consider taking the following actions when they find a situation that poses a risk to people's health and safety.

### **Informal**

Informal action tends to be taken when the risk to people's health and safety is quite low and/or the breach of the law is relatively minor. The Officer may simply explain to the business what action is needed and why. Sometimes this information and advice may be followed up in writing. The letter will clearly explain what is a legal requirement and what is advice only.

### **Improvement Notice**

An improvement notice may be served when there is a higher risk to people's health and safety and/or when the breach of law is more serious. An Officer will explain to the business what action is required and the consequences if the notice is not complied with within the given time period. The improvement notice will clearly state what needs to be done, why and by when.

An improvement notice will always allow a time period of more than 21 days to complete the work required. An extension of time can be given in reasonable circumstances. The notice will also contain details of how to appeal to an industrial tribunal.

If an improvement notice is not complied with in the given time period, the business may be prosecuted.

## **Prohibition Notice**

Where there is a risk of serious personal injury, an Environmental Health Officer may decide to serve a Prohibition notice. A prohibition notice will stop the activity being carried out until action is taken to protect people's health and safety.

The notice can have immediate effect or, in certain circumstances, require the activity to stop within a number of days. This will be discussed with the business owner where possible.

The Prohibition notice will explain why the action is necessary and give details about how to appeal to an industrial tribunal.

## **Prosecution**

It may be necessary in some cases to prosecute a business when there has been a serious breach of health and safety legislation and/or the businesses fails to comply with an improvement or prohibition notice. Our enforcement policy has more details on about how decisions to prosecute are made.

Prosecution can result in a large fine and even imprisonment for the business owner e.g. failure to comply with an Improvement or Prohibition notice or a court order taken in the Magistrates' Court can result in a fine of up to £20,000, or six months' imprisonment, or both.

## Enforcement Responsibility

In Northern Ireland, Local Authorities are responsible for enforcing health and safety legislation in retail and wholesale outlets, offices, restaurants, hotels, residential homes, entertainment venues and recreational facilities.

The Health and Safety Executive for Northern Ireland (HSENI) deal with other premises such as factories, manufacturing premises, building sites, transport, hospitals and nursing homes.

You can visit the HSENI website at [www.hseni.gov.uk](http://www.hseni.gov.uk)

## Reporting an Accident

Employers are legally required under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations to report certain accidents, dangerous occurrences or occupational diseases which result from work activities. These must be reported to their local enforcement authority which may be your Local Council or the Health and Safety Executive Northern Ireland (HSENI).

For example, where an employee is off work for more than three days or suffers a major injury as a result of an accident, or if a member of public is taken to hospital, this should be reported to the appropriate enforcement authority. If in doubt about who your enforcement authority is, ring the Local Council's Environmental Health Department for advice (see Contact Us).

Environmental Health Officers will investigate accident reports where necessary in order to establish the cause of the accident and reduce the risk of the accident happening again.

## Complaints

Environmental Health Officers will investigate complaints of unsafe working practices and will give advice and/or take enforcement action in order to improve the safety of the workplace.

If you have a complaint about unsafe working practices, please contact us either by phone, e-mail or in writing (see Contact Us).

## Frequently Asked Questions

### **Can I make an anonymous complaint, as I don't want my boss to find out?**

Yes, we always respect the confidentiality of the complainant and we will keep your details private. However, in many cases an employer might feel they know who made the complaint, especially if you have been quite vocal about the problem previously.

### **What is the lowest and highest temperature that people are allowed to work in?**

The Workplace (Health, Safety and Welfare) Regulations (Northern Ireland) 1993 require that reasonable temperatures are maintained in workplaces during working hours. A reasonable temperature is normally around 16°C unless your work involves severe physical labour, in which case 13°C would be regarded as reasonable.

There is no maximum temperature specified for a workplace environment.

### **Where do I send my accident report?**

An accident report should be sent to your local Enforcement Authority which may be your Local Council or HSENI depending on the type of workplace (see [Enforcement Responsibility](#)). If you are not sure, you should contact your Local Council (Environmental Health Department) for advice.

### **Should I be worried about asbestos in our workplace?**

Not unless the asbestos is disturbed or damaged.

It is the responsibility of those who have maintenance and repair responsibilities for non-domestic premises to manage the risk from asbestos. This includes carrying out to carry out a risk assessment of any asbestos in the workplace, and keeping an up to date record of the location and condition of the asbestos. The risk assessment should contain appropriate control measures should the asbestos be disturbed for example by electricians, joiners, builders etc. In fact, anyone whose work involves drilling, sawing or cutting into the fabric of the premises could potentially be at risk.

But remember, asbestos is only a risk to health if the asbestos fibres are released into the air and breathed in.

### **I have only four staff. Do I need a written risk assessment and health and safety policy?**

You are only legally required to have a written risk assessment and health and safety policy if you have more than five employees. However, you are still legally required to carry out a risk assessment of your business in order to identify potential hazards and put in place the necessary control measures. It is good practice to maintain an up-to-date written risk assessment and health and safety policy even if you have less than five employees.

**Do I need to display the ‘Health and Safety Law’ poster within my business?**

**Where can I get one?**

Yes, under the Information for Employees Regulations, certain basic health and safety information must be made available to staff. This may be achieved by poster display or leaflet distribution.

The approved poster and appropriate leaflets are available from the Stationary Office (TSO), 16 Arthur Street, Belfast

[Contact Us](#)

If you require any further information or wish to report an accident or make a complaint about unsafe working practices, please contact us either by phone, e-mail or in writing. Office hours (Monday to Friday): 9:00am to 1:00pm and 2:00pm to 5:00pm.

By telephone 028 9446 3113

By e-mail: [healthandsafety@antrim.gov.uk](mailto:healthandsafety@antrim.gov.uk)

Address: Antrim Civic Centre, 50 Stiles Way, Antrim BT41 2UB

### Performance

If you have a comment, compliment or complaint about our service provision or performance, please contact us either by phone, e-mail or in writing using the contact details listed above.