

## Proposed Environmental Health / Trading Standards Enforcement Indicator

BV Code 166	Indicator	Definition
	Score against the checklist of enforcement best practice for environmental health/trading standards.	<p>The proposed checklist below is drafted with 10 points, with one or more question per point. Each point is worth 1 mark. The question(s) under each point are worth a fraction of that mark. Each question requires a 'yes' or 'No' answer. For example, there are eight questions under point 1, so a "Yes" answer to one question under point 1 attracts a score of 1/8<sup>th</sup>, and a "Yes" answer to five questions attracts a score of 5/8<sup>th</sup>.</p> <p><b>Written Enforcement Policies</b></p> <p>1.</p> <ul style="list-style-type: none"> <li>a) Does the authority have written published enforcement policy/policies, formally endorsed by its members that cover all aspects of environmental health and trading standards enforcement?</li> <li>b) Is non-compliance with statutory requirements followed up in accordance with the enforcement policy/policies?</li> <li>c) Do the policy/policies confirm that the authority has signed the Enforcement Concordat?</li> <li>d) Do the policy/policies take in to account the guidance set out in "The Code for Crown Prosecutors"?</li> <li>e) Do the policy/policies include the criteria to be met before formal enforcement by the authority?</li> <li>f) Do the policy/policies make provision for situations where there is a shared enforcement role?</li> <li>g) Do the policy/policies make provision for the particular interests of consumers within the authority's area including business owners, employees and the public?</li> <li>h) Are the policy/policies mentioned above followed, monitored, and reported on, and any variations addressed within the service plan or BVPP?</li> </ul> <p><b>Planned enforcement activity</b></p> <p>2. Does the authority have risk-based inspection programmes, and sampling and surveillance regimes for regulatory services that:</p> <ul style="list-style-type: none"> <li>a) meet legal requirements;</li> <li>b) otherwise have regard to official guidance;</li> </ul>

		<p>c) otherwise have regard to other appropriate professional guidance and standards</p> <p>The authority must be able to demonstrate that it regularly reviews its interpretation and application of legislation and guidance. For example, in the trading standards area, it should carry out an annual comparison of the proportion of its trading premises that it has classified as having 'high', 'medium' or "low" inspectable risk with the figures for other authorities. It should then carry out process benchmarking with other authorities if these proportions differ significantly from the average, e.g. if the authority's figures are in the upper or lower decile.</p> <p>2. Are the programmes and regimes mentioned above in Point 2 followed, monitored, and reported on, and any variations addressed within a service plan or BVPP?</p> <p>3. Does the authority have targeted educational and information programmes?</p> <p>4. Are the programmes mentioned in Point 4 followed, monitored, and reported on, and any deviations from the planned programmes addressed within a service plan or BVPP?</p> <p><b>Reactive and responsive enforcement activity</b></p> <p>5. Does the authority have and implement policies, procedures, and standards for:</p> <p>a) responding to and dealing with complaints made to the local authority about a third party and requests for services regarding statutory enforcement functions?</p> <p>b) supporting the provision of consumer advice, including participation in a Consumer Support Network?</p> <p>7. Does the authority have and implement policies, procedures and standards for responding to and dealing with;</p> <p>a) statutory notifications (e.g. RIDDOR reports of accidents, occupational diseases and dangerous occurrences)?</p> <p>b) the referral to other regulators of relevant information received where there is wider regulatory interest?</p> <p>7. Are the policies, procedures and standards mentioned above in Points 6 and 7 followed, monitored, and reported on, and any variations addressed within the service plan or BVPP?</p> <p><b>Appropriate Resources</b></p> <p>8. Has the authority within the last five years benchmarked its resources for relevant services against similar local authorities or comparable service providers including private and voluntary?</p> <p><b>Consultation and satisfaction levels</b></p> <p>9. a. Does the authority have a range of mechanisms in place to consult stakeholders affected by their service regarding the development of the enforcement policy?</p>
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