

Regulators' Code – Environmental Health Service compliance

No.	Regulators' Code	What Environmental Health does to meet the Code
1. Regulators should carry out their activities in a way that supports those they regulate to comply and grow		
1.1	Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.	<ul style="list-style-type: none"> • Food and Safety work plan requests officers take every opportunity to ensure dual visits are carried out through forward planning. • Housing Standards Houses of Multiple Occupation (HMO) inspections prioritised due to risk. • The Somerset Enforcement policy sets out principles to meet this requirement
1.2	<p>When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:</p> <ul style="list-style-type: none"> • understand and minimise negative economic impacts of their regulatory activities; • minimising the costs of compliance for those they regulate; • improve confidence in compliance for those they regulate; and • encourage and promote compliance. 	<ul style="list-style-type: none"> • Alternate inspection strategy used for Health and Safety. Inspection policy development agreed with South West Regulators Forum (SWeRF) • Lowest cost possible charged for HMO licenses and Private Water Supply (PWS) charges. • On the agenda for discussion at Landlords Forums • Regular business satisfaction surveys look for business confidence in regulation • Food Hygiene Rating Scheme (FHRS) regulates and promotes compliance • Proactive discussions through planning process and pre-application of Pollution Prevention Control (PPC)

No.	Regulators' Code	What Environmental Health does to meet the Code
1.3	Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.	<ul style="list-style-type: none"> • Professional qualifications • Continuing Professional Development (CPD) training • Annual appraisals • Competency assessments • Authorised to carry out regulatory and enforcement functions on behalf of the Council in accordance with qualifications, experience and the Council's Scheme of Delegation • Officer assessment through Regulators, Development Needs Analysis (RDNA) process
1.4	Regulators should ensure that their officers understand the statutory principles of good regulation and of this Code, and how the regulator delivers its activities in accordance with them.	<ul style="list-style-type: none"> • Regulators Code discussed at Management and Team meetings • Appraisals, competency assessments, CPD and training • Discussions at professional networking groups e.g. SWeRF
2. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views		
2.1	Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.	<ul style="list-style-type: none"> • Consultation plan • Focus groups • Satisfaction surveys • Website feedback form • Complaint and compliment recording and monitoring • Face to face feedback through visits and inspections • Portfolio Holder and Members, District Executive and Area committees • Parish and Town Council meetings • Landlord Forums

No.	Regulators' Code	What Environmental Health does to meet the Code
2.2	<p>In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent. (This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action).</p>	<ul style="list-style-type: none"> • Inspection forms • Enforcement correspondence • Enforcement leaflet • Compliance information and advice – Website, leaflets, verbal • Satisfaction surveys and feedback
2.3	<p>Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.</p>	<ul style="list-style-type: none"> • FHRS appeal process – inspection form, leaflet and website • Appeals process on website for licences, permits and registrations as prescribed by the EU Services Directive 2006 • Enforcement correspondence, leaflets and website • Council's complaints procedure (for appeal against enforcement action) – leaflet and website
2.4	<p>Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.</p>	<ul style="list-style-type: none"> • Internal complaints process

No.	Regulators' Code	What Environmental Health does to meet the Code
2.5	Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.	<ul style="list-style-type: none"> • Council's complaint procedure – leaflet and website • Website 'do it online' complaint form • Appeals process on website for licences, permits and registrations as prescribed by the EU Services Directive 2006
2.6	Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate.	<ul style="list-style-type: none"> • Consultation plan • Focus groups • Satisfaction surveys • Website feedback form • Complaint and compliment recording and monitoring • Face to face feedback through visits and inspections • Portfolio Holder and Members, District Executive and Area committees • Parish and Town Council meetings • Landlord Forums
3. Regulators should base their regulatory activities on risk		
3.1	Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.	<ul style="list-style-type: none"> • Food interventions as set out in the Food Law Code of Practice • Health and Safety interventions as set out in National Local Authority Enforcement Code • PPC inspections in accordance with Defra LAPPC risk method • PWS risk assessments carried out to target interventions • Part 2A contaminated land work targeted at high risk sites • Joint Strategic Needs Assessment (JSNA) • Public Health Forum • Use of local epidemiological data – public health outcomes, SWeRF • Service Planning and budget setting

No.	Regulators' Code	What Environmental Health does to meet the Code
3.2	Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.	Risk based inspections for Food Safety, Health and Safety, HMO's, empty properties, PPC, PWS and other areas of Environmental Health in accordance with relevant guidance, codes of practice and legislation
3.3	Regulators designing a risk assessment framework, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.	<ul style="list-style-type: none"> • Consultation plan • Satisfaction surveys and focus groups • Website feedback form • Complaint and compliment recording and monitoring • Face to face feedback through visits and inspections • Portfolio Holder and Members, District Executive and Area committees • Parish and Town Council meetings • Landlord Forums
3.4	Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.	<ul style="list-style-type: none"> • Risk based "next inspection" calculation carried out after each inspection • Primary Authority scheme embraced • LAPPC risk method taken into account • Reference to previous history as recorded on database and file
3.5	Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.	<ul style="list-style-type: none"> • Consultation plan • Satisfaction survey and focus groups • Website feedback form • Complaint and compliment recording and monitoring • Face to face feedback through visits and inspections • Portfolio Holder and Members, District Executive and Area committees • Parish and Town Council meetings • Landlord Forums • Use of local epidemiological data – public health outcomes, SWeRF

No.	Regulators' Code	What Environmental Health does to meet the Code
4. Regulators should share information about compliance and risk		
4.1	Regulators should collectively follow the principle of “collect once, use many times” when requesting information from those they regulate.	<ul style="list-style-type: none"> • Information captured on Environmental Health database • Sharing of information internally with other Council services e.g. Business Rates, Council Tax, Planning, Housing Options • Sharing of information externally with other enforcement and regulatory services e.g. Trading Standards, OFSTED, Local Education Authority, Social Services, Police
4.2	When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.	
5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply		
5.1	Regulators should provide advice and guidance that is focused on assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.	<ul style="list-style-type: none"> • Published guidance, policies and strategies • Website provides comprehensive Environmental Health advice and guidance • Safer Food Better Business packs for new food businesses • Inspection reports • Planning and Licensing pre-application discussions • Food hygiene training provided in different languages
5.2	Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.	<ul style="list-style-type: none"> • All website content and publications produced by the Council have been reviewed for content and plain language and adhere to the Council’s communications guidance. • Food hygiene training provided in different languages

No.	Regulators' Code	What Environmental Health does to meet the Code
5.3	Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.	<ul style="list-style-type: none"> • Consultation plan • Focus Groups • Satisfaction surveys • Website feedback form • Complaint and compliment recording and monitoring • Face to face feedback through visits and inspections • Portfolio Holder and Members, District Executive and Area committees • Parish and Town Council meetings • Landlord Forums
5.4	Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.	<ul style="list-style-type: none"> • Officers allocated set 'areas' to enable the building of rapport and trust with businesses • Advice visits • Satisfaction survey indicates good relationship between the officers and the businesses they enforce • Attendance at local chamber of trade, parish and town council meetings
5.5	In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.	<ul style="list-style-type: none"> • Officers hold relevant professional qualifications; undertake a minimum of 10 hours CPD training per year and annual competency assessments. • Website, leaflets and other publications are reviewed regularly to ensure content is current and accurate
5.6	Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided this should be discussed with the other regulator to reach agreement.	<ul style="list-style-type: none"> • Somerset and Regional groups for all aspects of Environmental Health and Public Health • Formal and informal mechanisms for the liaison and consultation with other regulatory services such as OFSTED, Food Standards Agency (FSA), Health and Safety Executive (HSE) and Environment Agency (EA), Building Control, Licensing and Planning. • Primary Authority scheme embraced

No.	Regulators' Code	What Environmental Health does to meet the Code
6. Regulators should ensure that their approach to their regulatory activities is transparent		
6.1	Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.	<ul style="list-style-type: none"> • Service standards published on website and monitored by the service and the Performance Team on TEN • Service standards reviewed annual as part of service planning
6.2	<p>Regulators' published service standards should include clear information on:</p> <p>a) how they communicate with those they regulate and how they can be contacted;</p> <p>b) their approach to providing information, guidance and advice;</p> <p>c) their approach to checks on compliance, including details of the risk assessment framework used to target those checks and protocols for their conduct, clearly setting out what those they regulate should expect;</p> <p>d) their enforcement policy, explaining how they respond to non-compliance;</p> <p>e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and</p> <p>f) how to comment or complain about the service provided and routes to appeal.</p>	Service standards reviewed annual as part of service planning and to ensure compliance with Code.

No.	Regulators' Code	What Environmental Health does to meet the Code
6.3	Information published to meet the requirements of this Code should be easily accessible, including being available at a single point on the regulator's website that is clearly signposted, and it should be kept up to date.	Environmental Health's compliance with the Regulators' code is published on Council's website
6.4	Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.	<ul style="list-style-type: none"> • Professional qualifications • Continuing Professional Development (CPD) training • Annual appraisals, team and one to one meetings • Competency assessments • Authorised to carry out regulatory and enforcement functions on behalf of the Council in accordance with qualifications, experience and the Council's Scheme of Delegation • Officer assessment through Regulators, Development Needs Analysis (RDNA) process • Written procedures and Codes of Practice
6.5	Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.	Complaints, performance and customer satisfaction surveys recorded on TEN and reported to committee, team and management meetings and published on the website.