

***This document sets out what businesses and others being regulated can expect from enforcement officers. It is not intended as a complete statement of enforcement policy.***

In our enforcement work our primary duty is to protect the public and the environment. At the same time we are committed to promoting a thriving national and local economy by carrying out our enforcement function in an equitable, practical and consistent manner. We also seek to maintain a fair and safe trading environment.



The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated.

We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action against businesses which flout the law and exploit consumers. Consumers will reap the benefits of this policy through access, information, choice and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term *enforcement*, are advisory visits and assisting with compliance as well as licensing and

formal enforcement action. Adopting the Concordat means we are committed to the following policies and procedures (which contribute to best value) and will provide information to show that we are observing them.

## **Principles of good Enforcement:**

### **POLICY**

#### **Standards**

In consultation with business and other relevant interest parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.



#### **Openness**

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set out our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives.



We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

### **Helpfulness**

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice and information from us.

Applications for approval of establishments, licenses, and registrations etc., will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

### **Complaints about Service**

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot

be resolved, any right of complaint or appeal will be explained, with details of the process and the likely timescales involved.

### **Proportionality**

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances and attitude of the operator when considering action.

We will take particular care to work with small businesses, voluntary and community organisations so that they can meet their legal obligations without unnecessary expense.



### **Consistency**

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

## **Principles of good Enforcement:**

### **PROCEDURES**

Advice from an officer will be put clearly and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice.

Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference,

unless immediate action is required (for example, in the interests of health and safety or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within five working days and, in all cases, within ten working days.

Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).