

1. Name of Service Area: Commercial Environmental Health

2. Enforcement Services delivered:

The service is responsible for the enforcement of legislation in relation to commercial and industrial activities as follows:-

- a) Health and Safety in premises as defined in the Health & Safety (Enforcing Authority) Regulations,
- b) Licensing to ensure animal welfare in premises including Pet shops, Animal breeding and boarding establishments, Riding establishments, zoos, dangerous wild animals
- c) Registration of performing animals
- d) Registration of premises offering cosmetic treatments i.e. tattooing, ear piercing and electrolysis.
- e) Food Safety in premises within the Borough and approval of specific premises.
- f) Registration of food premises
- g) Investigation of certain infectious diseases and associated controls.
- h) Quality of Private Water Supplies

3. Overall purpose and aim of the service

3.1 To protect and promote the health of persons, both within and outside the Borough, by controlling the risks associated with the consumption of food and drink, and the investigation and control of designated communicable diseases and by working in partnership to tackle obesity and promote and encourage healthy eating.

3.2 To protect the health and safety of persons living and working within Rossendale, by working with others to ensure risks in the changing workplace are managed properly and promoting healthy living in the workplace setting. We are committed to the principles of sensible risk management in all that we do

3.3 To protect the health and welfare of companion animals, horses and other animals sold as pets.

4. Primary legislation enforced by the service

Health and Safety at Work Act 1974 and subordinate Regulations

Food Safety Act 1990 and subordinate Regulations

EU Regulation 852/2004 Rules for On the Hygiene of Food Stuffs

EU Regulation 853/2004 Rules for Hygiene of Food of Animal Origin

Animal Welfare Act 2006

The Performing Animals (Regulation) Act 1925

The Pet Animals Act 1951

Animal Boarding Establishments Act 1963

Riding Establishments Act 1964 and 1970

The Breeding of Dogs Act 1973, the Breeding of Dogs Act 1991 and the Breeding and Sale of Dogs (Welfare) Act 1999

Zoo Licensing Act 1981

5. Links to national regulatory bodies

The service co-ordinate its work with the Food Standards Agency (FSA) and the Health and Safety Executive (HSE) to assist in the delivery of national targets in relation to food and health and safety at work. The service works with the Department for Environment, Food and Rural Affairs (Defra) in relation to animal welfare. The service also works closely with other

6. Links to local or regional liaison and best practice groups

The service is an active member of Environmental Health Lancashire, a body consisting of all Lancashire authorities, when delivering work programmes that contribute to regional and national targets. Representatives of Rossendale EH Service are involved in the sub-groups in order to identify and co-ordinate best practice, participate in inter-authority auditing and the development of county wide enforcement initiatives.

7. Statutory Code of Practice for Regulators

7.1 This Code, sometimes referred to as the Regulators' Compliance Code, is a Statutory document and includes the legal duty for Regulators to *".....take into account the Code's provisions and give them due weight in developing policies, principles, or in setting standards or giving evidence"*.

7.2 The Code imposes a number of specific Obligations on Regulators, each of which reflects one of the Hampton Principles. The ways in which we will ensure compliance with each of the Obligations are shown in paragraphs 7.3 – 7.13

7.3 Economic progress

Hampton Principle: ***"Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection"***.

7.3.1 We will:

- a) consider the impact of our interventions on economic progress, including costs, effectiveness and perceptions of fairness.
- b) adopt a particular approach only if the benefits justify the costs and impose the minimum burden compatible with achieving the objectives.
- c) review our regulatory activities and interventions to consider whether burdens could be removed or reduced.
- d) Consider the impact of our interventions on small businesses, and ensure that the burdens fall fairly and proportionately, by considering the size of the business and the nature of its activities.
- e) when setting standards or giving guidance in relation to the exercise of our own or other regulatory functions, allow for reasonable variations to meet local government priorities.

7.4 Risk Assessment

Hampton Principle: ***“Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most”.***

7.4.1 We will:

- a) ensure that the allocation of our efforts and resources is targeted where they would be most effective, by assessing the risks to regulatory outcomes. We will also ensure that risk assessment precedes and informs all aspects of our approaches to regulatory activity, including data collection and other information requirements, inspection programmes, advice and support, enforcement and sanctions.
- b) base our risk assessments on available relevant and good-quality data. Assessments will include explicit consideration of the combined effect of the potential impact of non-compliance on regulatory outcomes, and the likelihood of non-compliance.
- c) in evaluating the likelihood of non-compliance, consider all relevant factors including, past compliance records and potential future risks, the existence of good systems for managing risks, evidence of recognised external accreditation, and management competence and willingness to comply.
- d) consult and involve businesses in designing our own risk methodologies.
- e) review and, where appropriate, improve our risk methodologies, taking proper account of feedback from businesses.

7.4.2 Where national schemes or authoritative guidance for risk assessment exist we will base our assessments upon them where it is appropriate to do so.

7.5 Advice and guidance

Hampton Principle: ***“Regulators should provide authoritative, accessible advice easily and cheaply”.***

7.5.1 We will:

- a) promptly communicate all legal requirements relating to our regulatory activities, as well as changes to those legal requirements, to businesses.
- b) provide information, advice and guidance to make it easier for businesses to understand and meet their regulatory obligations. Such information will be provided in clear, concise and accessible language, using appropriate formats and media. Where possible, advice will be given free of charge, but it may be appropriate to charge a reasonable fee for services beyond any basic advice and guidance necessary to help ensure compliance.

Note: Businesses will appreciate that the level of help that our Officers are able to give is limited in terms of the amount of detail, and that they must

always have regard to avoiding conflict between advice that they give and their enforcement role.

- c) involve businesses in developing the content and style of guidance, and assess the effectiveness of information given by monitoring businesses' awareness and understanding of legal requirements, including the extent to which additional costs may be incurred for obtaining external advice to comply with legal requirements.
- d) provide targeted and practical advice that meets the needs of businesses. Such advice may be through face-to-face interactions, telephone helpline or online guidance. We will also seek to maximise the reach, accessibility and effectiveness of advice.
- e) distinguish clearly between statutory requirements and advice or guidance aimed at improvements above minimum standards, and confirm such advice in writing, if requested.
- f) ensure that businesses can, within reason, access our advice without directly triggering an enforcement action.

In responding to such an approach, our primary aim will be to provide the advice needed to help ensure compliance.

7.6 Inspection and other visits

Hampton Principle: ***“No inspection should take place without a reason”***.

7.6.1 We will:

- a) ensure that inspections and other visits, such as compliance or advice visits, to regulated businesses, only occur in accordance with a risk assessment methodology, as set out in paragraph 7.4.1 above. However, this will not apply where visits are requested by businesses, or when we are acting on relevant intelligence.
- b) use only a small element of random inspection in our programme to test our risk methodologies or the effectiveness of interventions.
- c) focus our greatest inspection effort on those businesses where risk assessment shows that both:
 - i) a compliance breach or breaches would pose a serious risk to a required outcome; and
 - ii) there is high likelihood of non-compliance
- d) give positive feedback to encourage and reinforce good practices, and we will share amongst regulated businesses, and with other regulators, information about good practice.
- e) have arrangements for collaboration to minimise burdens on the regulated entity where two or more inspectors, whether from the same or different regulators, undertake planned inspections of the same business. Such

arrangements may include joint or coordinated inspections, and data sharing.

7.7.1 Information requirements

Hampton Principle: ***“Businesses should not have to give unnecessary information, nor give the same piece of information twice”.***

7.7.1 We will:

- a) undertake an analysis of the costs and benefits of data requests to regulated businesses, when determining which data we may require
- b) explicitly consider reducing costs to regulated businesses by:
 - i) varying data requests according to risk
 - ii) limiting collection to specific regulated areas
 - iii) reducing the frequency of data collection
 - iv) obtaining data from other sources, allowing electronic submission, and requesting only data that is justified by risk assessment.
 - v) sharing data with other regulators to avoid duplication of collection where it is practicable, beneficial and cost effective to do so.
- c) We will have regard to rulings made by the Information Commissioner in applying the Data Protection Act 1998, to avoid unnecessarily restricting the sharing of data.
- d) involve regulated businesses in vetting data requirements and form design for clarity and simplification.
- e) We will seek to collect data in a way that is compatible with the processes of regulated businesses and those of other regulators who collect similar data

7.8 Compliance and enforcement actions

Hampton Principle: ***“The few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions”.***

7.8.1 We will:

- a) seek to reward those businesses that consistently achieve good levels of compliance through positive incentives, such as lighter inspections and reporting requirements, in cases where risk assessment justifies this.

We will provide information to businesses in cases where their performance has resulted in a change to their risk rating.

We will also take account of the circumstances of small regulated businesses, including any difficulties they may have in complying.

- b) where appropriate, discuss the circumstances with those suspected of a breach and take these discussions into account when deciding on the best approach.

This paragraph does not apply where immediate action is required to prevent or respond to a serious breach or where to do so is likely to defeat the purpose of the proposed enforcement action.

- c) ensure that our sanctions and penalties policies are consistent with the principles set out in the Macrory Review.
- d) ensure that clear reasons for any formal enforcement action are given to the person or entity against whom any enforcement action is being taken, at the time the action is taken.
We will seek to confirm the reasons in writing at the earliest opportunity. Complaints and relevant appeals procedures for redress will be explained at the same time.
- e) enable inspectors and enforcement officers to interpret and apply relevant legal requirements and enforcement policies fairly and consistently between similarly regulated businesses in comparable situations.

We will ensure that our inspectors and enforcement staff interpret and apply their legal requirements and enforcement policies consistently and fairly. As an aid to consistency, enforcement staff will refer to Primary, Home or Lead Authority schemes, where these exist.

- f) In certain circumstances reference will be made to national regulators guidance such as the HSE Enforcement Management Model to ensure decisions are proportionate and consistent.

7.9 Accountability

Hampton Principle: ***“Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take”.***

7.9.1 We will:

- a) create effective consultation and feedback opportunities to enable continuing cooperative relationships with regulated businesses and other interested parties.

In this regard, we will continue to monitor satisfaction levels notified by regulated businesses and we will comply in all respects with relevant National Performance Indicators.

- b) ensure that our employees provide courteous and efficient services, and take due account of comments from regulated businesses and other interested parties regarding the behaviour and activity of inspectors and other enforcement staff.

- c) provide effective and timely complaints procedures, including for matters in this Policy, which are easily accessible to businesses.

We will publish our complaints procedures, with details of the process and likely timescale for resolution.

- d) Follow a complaints procedure that includes a final stage to an independent, external, person. Where there is a relevant Ombudsman or Tribunal with powers to decide on matters in this Policy, the final stage may allow referral to that body.

Where no such person exists, we may, in consultation with interested parties, provide for further complaint or appeal to another independent person, for example, an independent professional body.

8. **Any planned actions to improve the service.**

- 8.1 The service is currently being reorganised to align service delivery with other regional teams e.g. Communities, so as to support businesses more effectively.
- 8.2 Implementation of HSE s18 guidance on service delivery. This is required to be complied with in full by March 2011.
- 8.3 Peer Challenge – a Self Assessment and Peer Challenge Review process is currently under way. An Action Plan will be agreed with Peer Challengers for implementation during 2010/2011.

Name of person completing the template: David Pierce

Contact details: davidpierce@rossendalebc.gov.uk 01706 252560