

BV116b Trading Standards Checklist

BV116b is a quality checklist. The different aspects are set out below. Each question or sub-question requires a 'Yes' or 'No' answer. Each question is worth 1 point in total (any sub questions are worth an equal fraction of that question's point). The total score is converted to a percentage.

Written enforcement policies

'Enforcement' means action carried out in the exercise of, or against the background of, statutory enforcement powers.

- 1 Is there demonstrable evidence in respect of the following:
 - 1a) Does the authority have written and published enforcement policy/policies, formally endorsed by its Members that cover all aspects of environmental health and trading standards enforcement?
 - 1b) Is non-compliance with statutory requirements followed up in accordance with the enforcement policy/policies?
 - 1c) Do the policy/policies confirm that the authority has signed the Enforcement Concordat?
 - 1d) Do the policy/policies take into account the guidance set out in 'The Code for Crown Prosecutors'?
 - 1e) Do the policy/policies include the criteria to be met before formal enforcement by the authority?

The general criteria needs to be set out in the policy to demonstrate when and why 'formal enforcement' will occur. Formal action includes issue of statutory notices, home office cautions and prosecutions/injunctions. Enforcement staff need guidance on what level of enforcement is appropriate under differing circumstances. Local authority guidance should address these issues in line with its enforcement policy.

- 1f) Do the policy/policies make provision for situations where there is a shared enforcement role?

Policy/policies will need to allow in general terms for situations where there is a shared or complementary enforcement role with other agencies, such as the Police, HSE, or OFT for example, Trading Standards services and the Housing service in the same authority working together on letting agents.

- 1g) Do the policy/policies make provision for the particular interests of consumers within the authority's area including business owners, employees and the public?

- 1h) Are the policy/policies mentioned above followed, monitored, and reported on, and any variations addressed within a service plan or BVPP?

Planned enforcement activity

2. Does the authority have risk-based inspection programmes, and sampling and surveillance regimes for regulatory services that:

2a) meet legal requirements?

2b) otherwise have regard to official guidance?

2c) otherwise have regard to other appropriate professional guidance and standards?

Each time new guidance is given counts as regular reviews.

3. Are the programmes and regimes mentioned in question 2 followed, monitored, and reported on, and any variations addressed within a service plan or BVPP?

4. Does the authority have targeted educational and information programmes?

Authorities need to have identified local needs for consumer and business education and information, developed relevant programmes and promoted them.

Programmes may be run in partnership with *for example* businesses, employer and employer representatives, education, consumer professionals, OFT, Police, other services within a local authority, and community groups.

Programmes may *for example* involve distribution of leaflets, making leaflets available in libraries, holding workshops and seminars, poster campaigns, advertisements, use of the media (local newspapers), training, award schemes, newsletters, promoting compliance and awareness, advice surgeries/workshops, health promotion, and the national curriculum.

5. Are the programmes mentioned in question 4 followed, monitored, and reported on, and any deviations from the planned programmes addressed within a service plan or BVPP?

Reactive and responsive enforcement activity

6. Does the authority have and implement policies, procedures and standards for:

6a) responding to and dealing with complaints made to the local authority about a third party and requests for services regarding statutory enforcement functions?

6b) supporting the provision of consumer advice, including on participation in Consumer Direct within your region or in a Consumer Support Network?

Where an authority considers that it is giving active consideration to a CSN, these elements of the framework would need to be under consideration as a minimum.

7. Does the authority have and implement policies, procedures and standards for responding to and dealing with:

7a) statutory notifications (E.g. RIDDOR reports of accidents, occupational diseases and dangerous occurrence)?

7b) the referral to other regulators of relevant information received where there is wider regulatory interest?

8. Are the policies, procedures and standards mentioned above in questions 6 and 7 followed, monitored, and reported on, and any variations addressed within a service plan or BVPP?

Appropriate Resources

9. 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?

To be able to answer 'Yes' to this question, the authority must have **benchmarked** its resources for relevant functions against;

- similar local authorities, e.g.;
- in benchmarking clubs or by means of published data;
- or with local authorities with similar population size or urban/rural mix;
- comparable service providers including private and voluntary.

The benchmarking exercise must have occurred in the last five years.

Consultation and satisfaction levels

10a) Does the authority have a range of mechanisms in place to consult stakeholders affected by their service regarding the development of the enforcement policy?

10b) Does the authority have a range of mechanisms in place to consult stakeholders affected by their service regarding satisfaction levels?

10c) And are the consultation responses considered and acted upon?