

Statutory Code of Practice for Regulators				
Specific Obligations of the code				
ID	Para	Principle	Element	Compliance statement
1	1.1	Regulators should carry out their activity in a way that supports those they regulate to comply and grow	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.	<p>The Council has "Maximising our potential - working with others to support sustainable economic growth and strong communities, ensuring the East Riding is a great place to invest in, live, work and visit" as one of its five corporate priorities in its business plan.</p> <p>Consistency of approach, focus on persistent non-compliance and a graduated/stepped approach to enforcement are key considerations for the Council in its approach to regulating businesses and ensuring the proportionality of its actions.</p>
2	1.2		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: understand and minimise negative economic impacts of their regulatory activities, minimise the costs of compliance for those they regulate, improve confidence in compliance for those they regulate, and encourage and promote compliance.	Support for economic growth is a key part of the Councils priorities and discussed above. All proposed policies Etc. will be considered in the light of the priorities and against this requirement.

3	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	The Council operates a system of employee development reviews for ensuring officers meet appropriate standards. Where external frameworks exist such as the RDNA competency framework these are also used. Training of regulators by local businesses in business practices takes place in some service areas to better understand business' need and development. These mechanisms will be used to meet this requirement.
4	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.	The Council operates a system of employee development reviews for ensuring officers meet appropriate standards. Where external frameworks exist such as the RDNA competency framework these are also used. These mechanisms will be used to meet this requirement.
5		Circumstances where the code's provisions are either not relevant or outweighed by other relevant considerations		In some cases for reasons of safeguarding, public safety and promotion of licensing objectives the codes provisions will be outweighed or not relevant, In these cases reasons for departure from the Code will be recorded where it is appropriate to do so.
6	2.1	Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views	Regulators should have mechanisms in place to engage those they regularly regulate, citizens and other 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.	The Council uses a series of mechanisms to engage with residents businesses and interested groups. The digital by default principle is recognised by the use of the "Have Your Say" consultation website. This is supplemented by other mechanisms where appropriate such as taxi, gambling, landlord fora; joint working groups involving business representatives, newsletters and use of the local media. The Council also operates a feedback system that enables service users to register compliments, comments and complaints about services.

7	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 advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.</p>	<p>Enforcement policies reflect this requirement. Consistency is being sought with other local authority regulators by participating in inter authority benchmarking schemes where available and appropriate.</p>
8			<p>The above para 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>	<p>Enforcement policies reflect this requirement</p>
9	2.3		<p>Regulators should provide 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>	<p>Where statutory routes to appeal are set out in legislation these will be clearly set out when formal action such as notice service is taken or determination of licensing hearings are sent out. . Where specific corporate appeals processes exist in relation to issues such as licensing and food hygiene rating these will be brought to the attention of those being regulated and are set out within each licensing policy approved by full Council. The corporate feedback policy which enables service users to register compliments, comments and complaints about services may be used in other circumstances.</p>

10	2.4		Regulators should provide timely explanation in writing of any right to representation or right of appeal. This explanation should be in plain language and include practical information on the process involved.	<p>Where statutory routes to appeal are set out in legislation these will be clearly set out when formal action such as notice service is taken or determination of licensing hearings are sent out. .</p> <p>Where specific corporate appeals processes exist in relation to issues such as licensing and food hygiene rating these will be brought to the attention of those being regulated and are set out within each licensing policy approved by full Council.</p> <p>The corporate feedback policy which enables service users to register compliments, comments and complaints about services may be used in other circumstances.</p>
11	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	The Council operates a feedback system that enables service users to register compliments, comments and complaints about services. Specific complaints procedures are also built in to licensing policies.
12	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.	The Council uses a series of mechanisms to engage with residents businesses and interested groups. The digital by default principle is recognised by the use of the “Have Your Say” consultation website. This is supplemented by other mechanisms where appropriate such as taxi, gambling, landlord fora, newsletters and use of the local media. The Council also operates a feedback system that enables service users to register compliments, comments and complaints about services.
13	3.1	Regulators should base their regulatory activities on risk	Regulators should take an evidence based approach to determine the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks	The council’s inspection programmes and enforcement policies take account of risk. National risk assessment criteria are used where available. Local and national risk factors such as compliance and safeguarding are considered when decisions are made regarding priorities and resource allocation.

14	3.2		<p>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; targeting checks on compliance; and when taking enforcement action.</p>	<p>The council's policies and procedures support the use of risk based decision making and ensure that action taken is targeted and proportionate.</p>
15	3.3		<p>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 review it regularly.</p>	<p>National risk assessment criteria are used where available. Where local risk assessment schemes are developed they will be subject to consultation.</p>
16	3.4		<p>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 relevant external verification.</p>	<p>Risk assessment schemes do take compliance into account using factors such as confidence in management. Earned recognition schemes such as accreditation, self and co-regulation are used where appropriate.</p>
17	3.5		<p>Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make necessary adjustments accordingly.</p>	<p>Where available outcome indicators are used. Service planning is used to ensure the effectiveness of regulatory activities where appropriate. Services focus activities on preventative work, non-compliant businesses, use of Accreditation schemes and seek to reduce regulatory burdens on the compliant.</p>

18		Circumstances where the code's provisions are either not relevant or outweighed by other relevant considerations		In some cases for reasons of safeguarding and promotion of the licensing objectives the codes provisions will be outweighed or not relevant, in these cases reasons for departure will be recorded as appropriate.
19	4.1	Regulators should share information about compliance risk	Regulators should collectively follow the principle of 'collect once, use many times' when requiring information from those they regulate.	Where possible regulators use common databases to facilitate the sharing of data between different regulatory functions.
20	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.	Where appropriate regulatory services have agreed mechanisms for the sharing of data between different regulatory functions. The use of gcsx e mail accounts assists with this in relation to restricted data sharing and internal data sharing protocols are in place.
21	5.1	Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.	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 on itself.	The provision of advice and guidance to businesses is recognised as a key role of regulatory services. The Council's approach is to be "digital by default" with the website being the key point of access. Advice may also be given by officers and will be distinguished from legal requirements in correspondence. Resources are limited so the capacity to offer business advice over and above that available on the website will be focused in some areas on fledgling businesses or to meet business service requirements such as in licensing where contact with business is ongoing throughout the life of the licence.

22	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.	The provision of advice and guidance to businesses is recognised as a key role. The Council’s approach is to be “digital by default” with the website being the key point of access. All Council publications will be in plain English. Extensive use will be made of advice from other authoritative sources such as Government departments and agencies.
23	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.	Information published on the website can be commented on using the Council’s feedback system.
24	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.	The Council will seek to build confidence with those regulated by engaging positively with them and developing systems such as accreditation, fora and newsletters where appropriate.
25	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 upon.	Under the terms of the Public Protection enforcement policy the provision of advice and guidance to support compliance would be the norm unless the public interest dictates otherwise.
26	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 advice provided, this should be discussed with the other regulator to reach agreement.	The Council will ensure that internal mechanisms such as responsible authority and safety advisory group meetings are effective. It will also make full use of external systems such as primary authority arrangements.

27	6.1	Regulators should ensure that their approach to their regulatory activities is transparent	Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.	<p>The Council's Corporate Service Standards are</p> <p>Employees will:</p> <ul style="list-style-type: none"> • Be courteous and helpful • Give their name when dealing with an enquiry <ul style="list-style-type: none"> • Answer telephone calls within 7 rings • Respond to letters within 10 days • Respond to emails within 10 days • Attend to personal callers within 5 minutes • Provide confidential interview facilities where possible <ul style="list-style-type: none"> • Use plain English • Deal with complaints in accordance with the complaints procedure • Provide information about council services and activities <ul style="list-style-type: none"> • Ask for views on council services
28	6.2		Regulators published service standards should include clear information on:	
29			a) how they communicate with those they regulate and how they can be contacted	Clear information is available through the Council's website on communication with businesses and how to contact services.
30			b) their approach to providing information, guidance and advice	The Council's approach to providing information guidance and advice is "digital by default." In the first instance businesses should search the eastriding.gov.uk website for information.
31			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	The following risk assessment frameworks are in use by the Council. Food Standards Agency – Food Safety Food Standards Agency – Food Standards Health and Safety Executive – LAC 67-2 rev3 - Annex B Department of the Environment food and Rural Affairs– LAPPC

			what those they regulate should expect.	<p>Department of the Environment food and Rural Affairs– LA IPPC Department of the Environment food and Rural Affairs– Animal Health and Welfare Framework Agreement Housing Health and Safety Rating System – ODPM 2004 National Trading Standards Board – Trading Standards Risk Assessment Scheme</p> <p>Officers will comply with the Councils service standards (above) and the requirements of other corporate policies such as the Public Protection Enforcement Policy and the council’s approved licensing policies.</p>
32			d) their enforcement policy, explaining how they respond to non-compliance	<p>The Public Protection enforcement policy is published on the Council's website. Licensing policies also include specific information on enforcement and relevant action that can be taken by officers and by the Licensing Committee.</p>
33			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.	<p>All fees are either set by statute or calculated on a basis of full cost recovery. Fees for individual services such as licence applications will be found on the relevant page of the Council’s website.</p> <p>Compliance will affect fees and charges under the provisions of Department of the Environment food and Rural Affairs– LAPPC & Department of the Environment food and Rural Affairs– LA IPPC</p>
34			f) how to comment or complain about the service provided and routes to appeal.	<p>Information on the feedback system is available on the Council's website and through other access channels or detailed within licensing policies.</p> <p>The Independent Regulatory Challenge Panel</p> <p>In relation to complaints regarding advice given by Council inspectors about health and safety at work which you think is incorrect or goes beyond what is required to control any risk adequately, you may contact the independent regulatory challenge panel.</p> <p>The panel consists of independent members who have the competence and experience to assess advice that has been given on regulatory</p>

				<p>matters. Before you raise an issue with the panel, you should have first tried to resolve the matter through the Council's complaint procedure.</p> <p>You may contact the panel at:</p> <p>http://www.hse.gov.uk/contact/contactchallengepanel.htm</p>
35	6.3		<p>Information published to meet the requirements of this code should be easily accessible, including being available at a single point on the regulators website that is clearly signposted, and it should be kept up to date.</p>	<p>A specific page has been developed to meet this requirement either containing all the appropriate information or clear links to it.</p>
36	6.4		<p>Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.</p>	<p>Mechanisms such as the feedback policy, employee development reviews, accompanied inspections, and service audits are in place to ensure that officers act in accordance with policy</p>
37	6.5		<p>Regulators should publish, on a regular basis, details of their performance against 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.</p>	<p>Satisfaction surveys are no longer carried out routinely in order to save resources and reduce the burdens on businesses who have previously complained of being over surveyed.</p> <p>Regulatory services will comply with the corporate arrangements for publishing feedback data.</p> <p>Performance reports are also presented to the two Licensing Committees annually on the licensing service and its activity/ performance which are published on the Council's website.</p>