

# Report to Executive

Agenda  
Item:

A.1

Meeting Date: 10<sup>th</sup> March 2014  
Portfolio: Environment and Transport  
Key Decision: Yes: Recorded in the Notice Ref: KD 01/14  
Within Policy and Budget Framework No  
Public / Private Public

Title: Environmental Health - Business Support Strategy  
Report of: The Director of Local Environment  
Report Number: LE 01/14

## Purpose / Summary:

A report introducing the Environmental Health Services' Business Support Strategy. The Strategy outlines how the Environmental Health Service will meet the requirements of the revised Regulators' Code 2013 ensuring an open and constructive relationship between the Environmental Health regulatory service and those Carlisle businesses it regulates.

## Recommendations:

It is recommended that the Executive endorse the Business Support Strategy in Appendix.1.

## Tracking

Executive:	10 <sup>th</sup> March 2014
Overview and Scrutiny:	27 <sup>th</sup> February 2014 (Economy and Environment)
Council:	N/A

## **1. BACKGROUND**

**1.1** The Government revised the Regulators' Code in July 2013 to clarify the duty non economic regulators, like Environmental Health, have in encouraging economic growth. Regulators must have regard to the Code when developing their policies and operational procedures that guide their regulatory activities. The 2013 Regulators Code requires regulators to:

1. Carry out activities in a way that supports those regulated to comply and grow.
2. Provide simple and straightforward ways to engage with those regulated and hear their views.
3. Base regulatory activity on risk.
4. Share information about compliance and risk.
5. Ensure clear information, guidance and advice is available to help those regulated meet their responsibilities to comply.
6. Ensure that the approach to regulation is transparent.

**1.2** The Environmental Health Service arguably has more face to face contact with local business than any other Council Service. It is best placed to free up businesses from unnecessary regulation. In response to the revision of the Regulators' Code the Environmental Health Service has produced a Strategy (appendix.1.) outlining how it will comply with the Regulators Code. The Strategy details actions based on four business support themes:

1. We are open to work with businesses
2. Our services understand how businesses work
3. Our work to support businesses is targeted and effective
4. Our services are transparent and open to scrutiny

**1.3** The Strategy should give confidence to businesses that the Environmental Health Service is here both to protect but also help businesses. We want to work with businesses to find the best ways for them to grow in a legal, safe and sustainable way. The strategy improves the processes of creating a trusting environment between business and the regulator.

## **2. PROPOSALS**

If the Executive are satisfied and following consideration of the observations made by the Economy and Environment Overview and Scrutiny Committee on the 27<sup>th</sup> February 2014, endorse the Business Support Strategy in Appendix.1.

## **3. CONSULTATION**

- 3.1** Consultation to Date. - The Plan has been drafted in consultation with Officers in the Environmental Health Service, the Economic Development Team; the Federation of Small Businesses; the Cumbria Chamber of Commerce and the County Council. The final Strategy has been amended to incorporate the responses received from the consultation process.

27<sup>th</sup> February 2014 – considered by Overview and Scrutiny (Economy and Environment).

## **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1** Carlisle City Council has an important role both locally and nationally as a regulatory agency. Its Environmental Health Service undertakes that role on its behalf for services ranging from food safety, health and safety, pollution control and infectious disease control. The Business Support Strategy in Appendix 1 outlines how the City Council's Environmental Health Service intends to comply with the Regulators' Code issued by Central Government.

## **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 5.1** **Priority 1:** Fostering more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bring new ones in.

A key requirement of the regulators compliance code is to use the regulators unique contact with local businesses as a means of ensuring growth as well as compliance.

**Priority 3:** Working more effectively through partnerships

In delivering the Strategy the Environmental Health Service will continue to work with a variety of partner organisations including: the Cumbria Chamber of Commerce; Cumbria County Council and the Federation of Small Businesses.

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**Appendices**                Environmental Health – Supporting Business Through Better  
**attached to report:**    Regulation

**Note:** in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **None**

#### **CORPORATE IMPLICATIONS/RISKS:**

**Chief Executive's –**

**Deputy Chief Executive –**

**Economic Development –**

**Local Environment –**

**Governance** – The draft Regulators' Code has been laid before Parliament on 22 January 2014 in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. It is anticipated to come into force in April of this year and the Government expect Regulators to reflect upon its content and revise their policies and procedures ahead of its implementation. The Code is intended to provide a framework for how regulators should engage with those they regulate. The Business Support Strategy in this Report is drafted to comply with the requirements of the forthcoming statutory code.

**Resources** – There are no financial implications arising from the adoption of this Business Support Strategy which cannot be met from within existing base budgets.



Supporting Business through  
Better Regulation

# **Carlisle City Council Environmental Health Service 2013 – 2016**

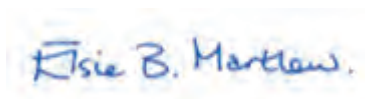
## Foreword

Regulators actions can impact directly upon a business's ability to succeed and grow. It's essential that Carlisle's hard-pressed firms are given advice and support.

This strategy seeks to increase confidence in the regulatory system, helping serve the twin purposes of protection and prosperity.

Better dialogue with businesses will allow our Environmental Health resources to be focused on dealing with non-compliance, as well as providing useful advice and guidance for businesses that need it most.

Environmental Health should not only be championed for their work tackling rogue businesses and keeping communities safe, but become a trusted and knowledgeable partner with businesses. Every business should feel as comfortable contacting us about regulation, as our residents do if they want to discuss bin collections, parking or council tax.



**Portfolio Holder for Environment and Transport, Cllr Elsie Martlew**

Carlisle City Council



## Introduction

Carlisle District is an important sub-regional centre for business, shopping and tourism. The District covers 103,174 hectares (398 square miles). The population of the District in the 2011 census was 107,500, of which almost 75% live in Carlisle. A further 7% of the District's population live in the Key Service Centres of Brampton and Longtown, with the rest in the sparsely populated but large rural area.

The District provides almost 47,000 jobs and has an expanding sub-regional role with a regional investment site at Kingmoor Park in the north of the city. Employment in the transport/storage and construction sectors is expanding whilst manufacturing is declining. The service sector is still the largest employer, including finance, health and Local Government.

In 2012/13, our Environmental Health Service regulated over 1,180 food businesses to ensure food safety, over 2,000 businesses come under local authority health, safety and welfare regulation and numerous other businesses were contacted by them as they protect the public on matters ranging from contaminated land, air pollution, private water supplies, waste and noise nuisance. Environmental Health is one service that local businesses are most likely to have a face to face contact with.

Since 2007 the National Audit Office and the Local Better Regulation Office (now the Better Regulation Delivery Office) have undertaken National Business Perception Surveys on businesses views of regulatory services, including local authority food safety and health and safety regulation. In the latest 2012 survey 80% of businesses surveyed agreed that "if my business was found to be non-compliant, I would be concerned it would affect our relationship with customers." Forty percent of businesses felt that assistance from regulators helped their business.



**The 2013 Regulators Compliance Code requires regulators to:**

- Carry out our activities in a way that supports those we regulate to comply and grow
- Provide simple and straightforward ways to engage with those we regulate and hear their views
- Base our regulatory activity on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
- Ensure that our approach to regulation is transparent.

Priority one of our Carlisle Plan is to “foster more, high quality and sustainable business and employment opportunities, through growing existing enterprises and bringing in new ones.”

Good regulation means economic growth is safe and sustainable. We have looked at the Business Perception Surveys, Local Government Association Guidance and the Regulators Code, the principles of the Enforcement Concordat and developed this strategy to support business in Carlisle through better regulation.



## Our Vision

Our vision is for our Environmental Health Service to be able to work with Carlisle businesses to understand and reduce risks. By engaging and working in partnership with businesses we can determine what level of regulation is appropriate and provide the support to ensure businesses are able to grow in a safe and sustainable way.

## Our Mission

We believe that our Environmental Health Service is best placed to free up businesses from unnecessary regulation. We want businesses to know that:

- We are open to work with businesses
- Our services understand how businesses work
- Our work to support businesses is targeted and effective
- Our services are transparent and open to scrutiny.

## Our Values

- Helpful
- Competent
- Transparent
- Fair
- Proportionate
- Consistent.



## We Are Open to Work With Businesses

We understand that the biggest burden to business is keeping up to date with legislation. Eighty four percent of the respondents in the 2012 Business Perceptions Survey believed local authorities should enforce the law but also provide an advisory service. Despite the media image of the pedantic local authority inspector it is pleasing to report that over 90% of businesses in the Business Perception Survey felt that the inspectors were courteous and professional. Satisfaction with the overall level of service from local authority regulators is high. Businesses must not be deterred from contacting our services by the incorrect media picture of red tape; all requests for help will be seen positively. Our Environmental Health Service is always be open to work with businesses to help them grow and comply with their legal duties.

### **Opportunities to work closer with local businesses include:**

- Engaging with the Local Federation of Small Business, Cumbria County Council, our Economic Development Team and Cumbria Chamber of Commerce to develop business information packs as easy guides on business responsibilities.
- Improve our website offer so businesses can easily obtain or be directed to the information they need.
- Carry out surveys with businesses inspected to obtain their feelings about the helpfulness and fairness of the Carlisle officers and their views on assistance that could be provided by the local authority. In previous surveys carried out under National Performance indicators over 70% of respondents agreed or strongly agreed that the Environmental Health inspectors were helpful and fair, there were no negative responses as the remaining 30% were non responses.





## Our Services Understand How Businesses Work

Businesses are highly satisfied with regulatory services such as Environmental Health, however, they have concerns about how much knowledge officers have about their business sector. Businesses want enforcement officers to have a better understanding of the businesses they regulate.

We support our officers in obtaining the knowledge and continuous professional development that is necessary to prove their competence as regulators. We will ensure officers view economic pressures along with protection in undertaking their duties.

### **Opportunities to improve the understanding with business include:**

- Seeking to ensure regulation is discussed strategically. We will take our Enforcement Policies through our committee structures and ensure they are discussed at Executive. We will seek to engage with the Local Enterprise Partnerships and other business support organisations.
- Seeking to work with our council colleagues, the County Council and other external partners in finding ways to support businesses compliance and growth.
- Train officers in the life cycle of a business, clarifying their understanding of what advice can help and when, or the wider support we may be able to offer.
- Provide targeted help for start-up businesses and other important sectors in Carlisle.
- Support opportunities to get businesses talking directly to each other.
- Work with businesses to understand how regulation can support the reputation of local businesses. Schemes such as the National Food Hygiene Rating System can improve the economic opportunities for those businesses who deliver quality and compliance.



## Our Work to Support Businesses is Targeted and Effective

All regulatory services undertaken by our Environmental Health Service are supported by national guidance to ensure consistency in approach across the country. We comply with the national guidance given and base all our regulatory activity on risk. We will seek consistent regulation between officers and published our enforcement policies. All enforcement action will be proportionate to the risks involved. Inspections are a key interface with business and we are determined to get this interaction right. There should be no inspection without a reason.

- We will engage with business in developing alternative interventions to inspections to improve business compliance.
- Where inspections are used these will be targeted at those requiring inspection under national guidance, high risk activities, those businesses that break the law or those subject to complaints.
- We will consider the most appropriate time to inspect to ensure protection but also take account of the need and nature of the business.
- Officers will make the aim of the visit clear, explaining what to expect and why, and stress that businesses can take the opportunity to ask for advice.





## Our Services Are Transparent and Open to Scrutiny

Only a quarter of respondents to the Business Perception survey felt there was an appropriate channel to complain about how regulations are enforced. A requirement of the Enforcement Concordant is to have clear complaints procedures. We believe our regulators should be accountable for the effectiveness of their actions.

- We will publish clear complaints procedures.
- We will publish our general Enforcement Policy and specific Enforcement Policies for Food Safety; Health and Safety at Work and Local Authority Pollution Prevention and Control.
- We will advise and provide links for businesses to check national guidance and we will always be prepared to explain the reasons behind our decisions.
- Our Environmental Health Service welcomes feedback from the business community. Compliments are always rarer than complaints but just as important to support continuous improvement.
- Businesses should be reassured that they will not be targeted as a result of complaints.
- We will undertake business surveys providing the option for anonymous feedback.





## Conclusion

Our Environmental Health Service will seek out ways to help those businesses that want to be helped and want to improve, enforcement will be saved for those businesses that need to change but won't.

Regulators ensure a level playing field for businesses protecting those safe and considerate businesses from those less scrupulous who seek to undercut.

This strategy should give confidence to businesses that our Environmental Health Service is here both to protect but also help businesses. We want to work with businesses to find the best ways for you to grow in a legal, safe and sustainable way. This strategy improves the processes of creating a trusting environment between business and the regulator.

To find out more about our Environmental Health Service, visit [www.carlisle.gov.uk](http://www.carlisle.gov.uk)

