

MEDWAY COUNCIL 2016

Achieving compliance - What to expect from Regulatory Services and Environmental Services

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This document explains what you can expect of the Regulatory Services and Environmental Services teams for Medway Council. Whether you run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

**1 Areas we regulate**

Medway Council’s Regulatory Services and Environmental Services cover the following regulatory duties:

|  |  |
| --- | --- |
| Animal Health & Welfare | Community Safety |
| Envirocrime (flytipping & other waste offences) | Environmental Protection |
| Environmental Health | Fair Trading |
| Food Safety & Standards | Green Spaces |
| Health & Safety at Work | Infectious Diseases |
| Product Safety | Private Water Supply Safety |
| Public Health | Pollution |
| Safety of Sports Grounds | Smokefree Public Places |
| Statutory Nuisance | Trading Standards |
| Storage of Dangerous Products | Untidy Land |
| Underage Sales | Weights & Measures |
| Licensing (in relation to the above) |  |

**2. How we deliver our services**

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

* Protect the public, businesses and the environment from harm
* Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. We do this through using data and other information available to us and our partners. In this way we ensure our resources are targeted appropriately, in the light of local needs and of national priorities.

We are committed to being transparent in our activities. We measure what is important and report periodically via the appropriate channels.

We carry out all our activities in a way that supports those we regulate to comply and grow:

* We ensure that information, guidance and advice is available to help you to meet legal requirements (see Helping you to get it right).
* We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed (see Inspections and other compliance visits).
* We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see Responding to non-compliance].

Our services will be delivered in accordance with the requirements of the Regulators’ Code

**3. Working with you**

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

* Be courteous and polite
* Always identify themselves by name in dealings with you, and provide you with contact details
* Seek to gain an understanding of how your business operates
* Provide details of how to discuss any concerns you may have
* Agree timescales, expectations and preferred methods of communication with you
* Ensure that you are kept informed of progress on any outstanding issues.

We recognise that businesses will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that they receive the best service.

**4 Helping you to get it right**

We want to work with people and businesses and help you to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it.

We make information and guidance on meeting legal requirements available on our website www.medway.gov.uk and where appropriate provide links to other relevant websites.

Where you need advice that is tailored to your particular needs and circumstances we will:

* Discuss with you what is required to achieve compliance
* Provide advice that supports compliance and that can be relied on
* Provide clear advice that can be easily understood and implemented
* Distinguish legal requirements from suggested good practice
* Ensure that any verbal advice you receive is confirmed in writing if requested
* Acknowledge good practice and compliance

The Council does not generally charge for advice however it will be made clear to those seeking guidance, on enquiry, should such a charge apply.

The Council will encourage individual Primary Authority agreements with businesses to form a statutory partnership. The authority will then provide robust and reliable advice for other local authorities to take into account when carrying out inspections or addressing non-compliance with the aim to establish consistent regulation at a national level. The Council will recover its costs once the level of resource has been agreed within the partnership.

**5.Inspections and other compliance visits**

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won’t visit without a reason.

We will give you notice that we intend to visit unless we are otherwise guided by guidance or code of practice or have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

* Explain the reason and purpose of the visit
* Carry their identification card at all times, and present it on request when visiting your premises
* Exercise discretion in front of any customers and staff
* Have regard to your approach to compliance, and use this information to inform future interactions with you
* Provide information, guidance and advice to support you in meeting your statutory obligations, if required
* Provide a written record of the visit, if required

We will 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.

Our risk assessments framework will:

* be based on all available relevant and good-quality data.
* include explicit consideration of the combined effect of the potential impact of non-compliance on regulatory outcomes, and the likelihood of non-compliance.
* evaluate 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.
* be reviewed and, where appropriate, we will improve our risk methodologies, taking proper account of feedback from businesses

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

Medway Council may charge for inspection or revisits however it will be made clear prior to inspection that charges apply. Fees are reviewed yearly but some are set by government or other bodies.

**6 Responding to non-compliance**

Where we identify any failure to meet legal obligations, we will respond proportionately, with breaches of the law, taking account of the circumstances, in line with our Enforcement Policy and will take firm enforcement action when necessary

Where we require you to take action to remedy any failings we will:

* Explain the nature of the non-compliance
* Discuss what is required to achieve compliance, taking into account your circumstances
* Clearly explain any advice, actions required or decisions that we have taken
* Agree timescales that are acceptable to both you and us, in relation to any actions required
* Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
* Explain what will happen next
* Keep in touch with you, where required, until the matter is resolved

**7 Requests for our services**

We clearly explain the services that we offer, including details of any fees and charges that apply

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

* Tell you when you can expect a substantive response in accordance with our service standards
* Seek to fully understand the nature of your request
* Explain what we may or may not be able to do, so that you know what to expect
* Keep you informed of progress throughout our involvement
* Inform you of the outcome as appropriate

**8 How to contact us**

You can contact us by:

Telephone: 01634 333333

Email: Via the contact form on the website

Web: www.medway.gov.uk

By post: Medway Council, Gun Wharf, Dock Road, Chatham, Kent ME4 4TR

In person: There is limited on-street parking on Dock Road . The closest car parks are Riverside and Globe Lane.

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with the Data Protection Act 1998, and General Data Protection Regulation 2016 (which came into force in May 2018). Further details can be found at <http://www.medway.gov.uk/thecouncilanddemocracy/dataprotection.aspx>

**9 Our Team**

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise we have arrangements in place, with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

**10 Working with others**

We work closely with other council services such as Planning and Business Development and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system in Medway Council area. We have good working relationships with other regulators such as Kent Police and Kent County Council and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, in order to help target our regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need.

**11 Having your say**

**Complaints and appeals**

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way.

We manage complaints about our service, or about the conduct of our officers, through the Council’s Corporate Complaints Policy via our web site or by telephone 01634 333333.

Details can be found at:

<http://www.medway.gov.uk/information/contactus/complaintsandcompliments.aspx>

or by telephone 01634 333333.

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

**Feedback**

We value input from you to help us ensure our services and policies are meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time.

Details on how you can provide feedback to us can also be found at: <http://www.medway.gov.uk/information/contactus/complaintsandcompliments.aspx>

or by telephone 01634 333333.

Any feedback that we receive will be acknowledged, considered and responded to.

**Developing our services with you**

We are always happy to welcome consultation and new ideas to ensure that we are delivering and continually improving our services to meet your needs.