

PERTH AND KINROSS COUNCIL

Community Safety Committee – 28 August 2013

Regulatory Services in the Environment Service

Report by the Depute Director (Environment)

This report highlights the community safety work carried out by the Environment Service's Regulatory Services, and sets out future priorities for the team.

1. BACKGROUND / MAIN ISSUESRegulatory Services

- 1.1 Regulatory Services within Environmental and Consumer Services, in the Environment Service, cover activities such as Environmental Health, Food Safety, Trading Standards, Animal Feedstuffs, workplace Health and Safety, Private Water Supplies, Contaminated Land, Animal Health & Welfare, and various licenses and permissions.

The loss of the Environmental Health Manager through ill health retiral in September 2012 presented an opportunity for the integration of strategic and operational management of the Commercial Regulation and Environmental Health functions to provide a single line management structure, and ease the way towards more joined up regulatory activities across the Service. A chart of the revised management and service structure can be found in Appendix 1.
- 1.2 The purpose of these regulatory activities is to meet the Council's objectives for ensuring the safety of our community, protecting the environment, and ensuring a prosperous economy. These teams are also required to comply with certain statutory enforcement duties placed on the Council. Several elements of the Service's work are determined and monitored by national bodies such as the Food Standards Agency and the Health & Safety Executive.
- 1.3 These regulatory activities are part of the overall Public Protection response of community planning partners, dealing principally with hazards presented by physical and environmental factors.
- 1.4 Regulation is an important part of the context within which businesses operate, and people co-exist. Effective and well targeted regulation by the Council plays an important role in ensuring the economic well-being of Perth and Kinross. It protects the vulnerable and the environment. It promotes equality, and helps raise the standards of service. It provides the platform for fair competition, giving reassurance to consumers and businesses alike. As such, regulation is an enabler to economic activity.

- 1.5 The principles under which enforcement officers seek to achieve compliance with the civil and criminal legislation enforced by Regulatory Services is detailed in the Service's Enforcement Charter. The Charter is designed to help businesses and individuals understand the Service's objectives and methods for achieving compliance, as well as the criteria considered when deciding what the most appropriate response is to a breach of legislation. Through this Charter, officers carry out our enforcement activities in a fair, helpful, transparent, accountable, proportionate and consistent way. The Charter is included in Appendix 1.
- 1.6 In June 2013 at a Trading Standards Summit Conference, Colin Mair, Chief Executive of the Improvement Service remarked that: "It is very easy not to notice Regulatory Services." He added that these services allow the general public to go about life with a sense of safety and security, which the rest of us take for granted. It was only when he travelled to other countries without the same regulatory standards, that he noticed the important role which Regulatory Services play.
- 1.7 To illustrate the range of activities covered by Regulatory Services, the following represents some of the main activities of the teams during 2012/13.

Trading Standards

- 1.8 This team is responsible for enforcement of a wide range of consumer protection legislation including fair trading, weights and measures and product safety. The aim of the service is to safeguard consumers, particularly those in vulnerable groups, and business interests, by promoting a fair, safe and healthy trading environment for the benefit of communities
- 1.9 In terms of responding to enquiries and service requests the team dealt with the following
- 125 requests for assistance/advice from businesses
 - 272 Consumer complaints
 - Visits to trader premises to offer advice - 725
 - Inspections - Planned visits to high risk premises - 67
 - Visits to high risk premises regarding Petroleum Safety – 36
 - Weight & Measures Testing - 168 petrol meters, 40 weighbridges, 139 weighing machines and 2 liquid fuel tanker meters.
- 1.10 Since 1 April 2012 the national service, Citizens Advice Consumer Service, have dealt with all first tier consumer complaints via their dedicated hotline. Trading Standards deal with criminal allegations and complex complaints requiring officer input and investigation.
- 1.11 Tobacco control and under age sales – as part of the ongoing Scottish Government enhanced tobacco enforcement programme, 29 test purchases of tobacco were carried out from retailers, using underage volunteers. In 7 cases, cigarettes were sold to the volunteers. Written warnings were issued to these businesses. In addition 60 advisory visits were carried out to tobacco

retailers to offer assistance in meeting tobacco legislative requirements. The team also offered all relevant traders (sellers of age restricted products) advice packs with detailed advice on underage sales of products such as fireworks, tobacco, spray paints, knives and DVDs.

- 1.12 In relation to developing Scams awareness amongst vulnerable groups, the team liaised with Social Work colleagues to identify and assist chronic victims of scams. 7 individual victims were identified and helped during 2012/13. The perpetrators of scams tend to target vulnerable individuals, often extracting tens of thousands of pounds from their victims. 19 presentations were given to care workers and other groups (in excess of 360 individuals), who could spread the prevention message to vulnerable people in their care.
- 1.13 To help residents to deal effectively with unwanted 'doorstep traders' Trading Standards, in partnership with Tayside Police, designed a 'No Cold Calling' sticker to display on their doors. 13,500 of these stickers have been distributed to residents of Perth and Kinross. Recent legal opinion states that if a trader ignores the sticker it may be a criminal offence under the Consumer Protection from Unfair Trading Regulations 2008
- 1.14 The Trading Standards team are developing contacts and information sharing networks with Community Care staff and police – helping to identify & assist chronic victims of scams.
- 1.15 The team is also improving liaison with other trading standards services across the UK via Memex, the secure intelligence sharing database. Information gained is now being used to alert consumers and local businesses of scams and rogue traders operating in the area.
- 1.16 Trading Standards have explored novel ways of sharing this intelligence with consumers, businesses and other local bodies (banks, Neighbourhood Watch, police etc).
- 1.17 Various methods of disseminating information about scams and rogue traders affecting Perth and Kinross residents and businesses are being explored. For example to reach the public, Trading Standards are now issuing regular Tweets via the Council Twitter feed using their own hashtag, '#TS_Alert'. Trading Standards have issued 28 locally generated tweets and re-tweeted numerous alerts from other sources (such as Office of Fair Trading and other Trading Standards services).
- 1.18 Additionally Perth and Kinross is the first Scottish Authority to make use of the Neighbourhood Watch portal (Neighbourhood Alert) allowing email alerts to be sent to subscribers in the area. This almost immediate real-time method of sending local alerts (similar to Twitter but with larger content) also allows relatives and carers of vulnerable persons to receive the alerts on that person's behalf.

- 1.19 Use of the Neighbourhood Alert scheme is still under development (only 7 alerts issued to date) but it is expected that as the scheme becomes better known nationally, via Neighbourhood Watch and other Trading Standards services coming onboard, its usefulness will increase. The scheme is also being promoted highlighted during Council Officers own talks and seminars
- 1.20 Education – the team participated in the Safe Taysiders initiative, giving presentations on safety of consumer products, such as toys, to over 1,900 primary school pupils (71 schools).
- 1.21 Better Business Partnership – Trading Standards continues to manage and promote a publicly available list of trusted traders, which the public can use to access services with confidence. The scheme has a total of 250 registered members.
- 1.22 30 tobacco / alcohol retailers were inspected as part of a joint Trading Standards North of Scotland Trading Standards Fair Trading enforcement initiative, for potential sales of counterfeit products. No contraventions were detected
- 1.23 The team also continually examine the internet to identify online traders operating from Perth and Kinross, advice is given, where appropriate, regarding online trading and specific requirements such as Weights and Measures, Safety, Pricing, and Trade Descriptions.
- 1.24 A consignment of designer brand shoes and clothing originally discovered by local Police officers was seized, with the offences reported to the Procurator Fiscal. A Forfeiture Order was achieved and the materials are awaiting destruction.
- 1.25 A joint visit with Police officers to a city centre newsagent led to the recovery of a quantity of illicit vodka and unclassified pornographic DVDs. A report to the Procurator Fiscal is pending in respect of these matters.

Animal Welfare

- 1.26 The Animal Welfare team was formed in 2012 by combining the activities of the existing animal health officer and dog control officers to increase the capacity available to enforce both animal health and dog control legislation.
- 1.27 In 2012/13 the team dealt with
- 559 dog fouling complaints
 - 197 enquiries about stray dogs
 - 157 complaints regarding barking dogs
 - 32 dangerous dog alerts
 - 75 requests for dog waste bins.
 - 54 talks to schools under the 'Safe and Sound Scheme' which teaches children appropriate techniques, to be safe around dogs
 - 207 complaints and enquiries related to livestock,

- 6 Fixed Penalty Notices for fouling offences
- 42 animal welfare investigations (e.g. missing eartags on cattle, inappropriately buried animal carcasses, and overdue Tuberculosis tests)

Food Safety

- 1.28 The Food Safety team is responsible for the delivery of a Food Law enforcement service which meets the requirements of the Food Standards Agency in Scotland's Framework Agreement on Local Authority Food Law Enforcement to protect and promote the health, safety and wellbeing of communities. This team's remit covers all aspects of food hygiene and food standards legislation as well as investigating food poisoning and communicable diseases.
- 1.29 In 2012/13 372 programmed food hygiene visits were made to food businesses, to ensure the safety and quality of the food served to the public, of which;
- 110 inspections required a revisit
 - 14 inspections resulted in the service of enforcement notices
 - 4 inspections resulted in voluntary closure by businesses until hygiene standards were improved
 - 96% of food businesses are accredited as a Pass (i.e. Satisfactory) on the publicly available Food Hygiene Information System.
- 1.30 Food hygiene inspections are currently focussing on implementation of the Food Standard's Agency's Guidance on E Coli O157 – Control of Cross Contamination which is resulting in longer inspection times. Prioritised inspections are targeted at those businesses which pose the greatest contamination risk, due to the handling of raw meat and vegetables alongside ready to eat foods.
- 1.31 148 programmed inspections were carried out to examine compliance with microbiological safety, compositional requirements and labelling of foodstuffs, and a total of 281 food samples were submitted for microbiological examination or chemical analysis. These gave the following results
- 16 out of 89 food samples submitted for chemical analysis were unsatisfactory (for compositional reasons)
 - 39 out of 192 food samples submitted for microbiological examination were unsatisfactory (due to unhygienic handling or inadequate temperature control).
- 1.32 All unsatisfactory samples were investigated and the necessary improvements were actioned by the businesses concerned.

- 1.33 The team also worked closely with NHS Tayside carry out 69 infectious disease investigations (based on notifications from NHS Tayside) to identify likely causes of infection, and manage the potential risk of spread of disease, for infections such as Salmonella, E Coli O157 and Cryptosporidium.
- 1.34 The Food Safety team gained the UK Government's Customer Service Excellence Award for the 14th consecutive year. The team received no "partial compliances" or "non compliances", and was commended for "achieving beyond the standard" in three areas of compliance. The team was awarded a Bronze Securing the Future Award for their achievements in this respect.
- 1.35 The Food Safety team continue to work with MEAD (the Multi Ethnic Access Development Project), to support the large number of ethnic minority food businesses in the area, as communication issues can be a barrier to full engagement and understanding of legal requirements. Further expansion of the range of advice available is planned, to include Scam awareness and zero waste issues. The team were awarded a Silver Securing the Future Award in May 2013 for their work with the MEAD project.

Health and Safety Enforcement

- 1.36 This team is responsible for ensuring the safety of employees and customers, by enforcing the Health and Safety at Work Etc Act in service industries which represent over 50% of the businesses in Perth and Kinross.
- 1.37 The team carried out 216 visits to businesses which included inspections, revisits, education and advice of which;
- 35 inspections resulted in a revisit
 - 3 Improvement Notices were issued
 - 14 serious accident notifications were investigated, one of which has a pending report to the Procurator Fiscal

Environmental Health

- 1.38 The Environmental Health team's aim is to deliver an Environmental Health enforcement service to improve, protect and maintain the health and well-being of the communities in Perth and Kinross through action on the physical environment and people's life circumstances
- 1.39 During 2012/13:
- 671 planning application consultations were examined and commented on, in order to prevent or minimise the potential for future environmental nuisance. Aspects of potential nuisance considered included :
 - Potential for noise pollution – 394
 - Potential for odour issues - 167
 - Potential for air pollution issues – 43
 - Potential for light pollution issues – 28

- Potential for contaminated land issues – 257
- Potential for private water supply issues - 239
- Potential for vibration issues – 16
- Potential for dust issues – 20

1.40 Officers from the Environmental Health team were heavily involved with environmental aspects of a planning Public Enquiry for a large incinerator in Perth.

- 177 pest control complaints and enquiries were received resulting in 90 requests for remedial action (predominantly in respect of rat or mouse infestations) to be carried out by the Council's pest control contractor.
- A formal enforcement notice was issued in terms of the Public Health Scotland Act 2008 for the abatement of smoke nuisance from a biomass boiler serving a hotel, which was causing disturbance to local residents. This is currently going through an appeal process at Perth Sheriff Court.
- In excess of 1,500 service requests were dealt with in relation to disrepair, dampness and other conditions etc in relation to private housing conditions, public health concerns about drainage and refuse, smoke complaints, noise nuisance and housing grants for disabled adaptations.
- 36 Destitute Funerals in terms of the National Assistance Act 1948 were organised and funded. These are organised by the Council where the deceased person does not have family, friends or sufficient funding to organise a burial or cremation for that person.
- Disabled adaptations – In the year 237 properties were adapted to meet the needs of disabled residents, funded through the Council's Private Sector Housing Grant scheme.
- 88 air monitoring diffusion tubes were replaced on a monthly basis in Perth city centre and Crieff High Street and submitted to the Public Analyst for analysis. These tubes are used to monitor air quality in the area in respect of Nitrogen dioxide (NO₂)
- Air Quality monitoring results from Crieff indicated the need for an Air Quality Management Area (AQMA) to address levels of Nitrogen Dioxide and particulate matter. A report recommending the establishment of an AQMA was approved by the Environment Committee in June 2013 and a public consultation on the proposed extent of the area to be included is under development.

Land Quality (Contaminated Land)

- 1.41 The Land Quality team implements the Councils strategy to deal with the legacy of areas of land that may have, through their past use, become contaminated by virtue of the processes conducted on them. The Council has a statutory duty to inspect its area to identify those sites that have the highest potential for causing harm to human health and the environment. Approximately 1,700 sites in Perth and Kinross have been risk assessed in order to apply a classification scheme for prioritisation. These sites are then dealt with as follows
- Phase 1 – a detailed desktop study is carried out which looks at any archived information on the site's former uses, to form an assessment of the contamination potential.
 - Phase 2 – an invasive site investigation (trial pits, boreholes and sampling) is carried out to determine the presence, nature and extent of any contamination
 - Phase 3 – Where appropriate, remediation works are carried out to remove any threat to human health or the environment
- 1.42 In 2012/13 eight Phase 1 reports were completed across the Council area, of which six will require Phase 2 investigations.
- 1.43 Five Phase 2 investigations were completed, of which one will require Phase 3 Remediation works.
- 1.44 As a result of work to remove low level Radium contamination at the former MoD (DARA) site in Almondbank, the Land Quality team conducted an investigation at a nearby residential site which had also previously been an MoD site. Due to the potential for community concern over the nature of any possible contamination of the residential site, a communication strategy was developed (in conjunction with NHS Tayside, Health Protection Scotland, SEPA and the Health Protection Agency) to keep residents informed of the works which would be carried out to check the status of the area concerned. In total 22 soil samples were collected from across the area and were analysed for both chemical and radiological contamination. Results confirmed that there were no contamination concerns within the residential site,
- 1.45 The team was awarded a Bronze Securing the Future Award in May 2013 for their work in developing the Resource Sharing Group (RSG) with Fife and Clackmannan Councils. This group was involved in site investigations. It is estimated that by carrying out this work using the RSG, savings of approximately £30,000 were realised, compared to engaging external consultants to carry out these works.

Drinking Water Quality

- 1.46 The water safety team is responsible for administering legislation governing the quality of private water supplies. (i.e. supplies other than those provided by Scottish Water). These supplies can be a source of some debilitating diseases such as Salmonella, E Coli O157, Hepatitis and Cryptosporidium. Minimising the sources of contamination of supplies can improve the health and wellbeing of those people served by a private water supply.
- 1.47 There are over 1,400 private water supplies in Perth & Kinross. The Water Safety team is responsible for risk assessing and monitoring the quality of these supplies.
- 1.48 In 2012/13 the team:
- carried out 58 risk assessments of Type A (highest risk) supplies
 - took samples from 271 statutory (Type A) and 439 non statutory (Type B) sites
 - dealt with 651 private water supply enquiries
 - completed 65 grant applications to improve the quality of water supplies to 206 properties, resulting in grant payments to local residents totalling over £120,000

2. PROPOSALS

- 2.1 The teams in Regulatory Services seek to improve their performance and impact, through development of their team plans. Key areas for activity during 2013/14 are as follows.
- 2.2 Workforce Planning - Studies have shown that there is a national shortage in certain professions in local government, with Environmental Health and Trading Standards being 3rd and 9th respectively in terms of local authority professions where there is a skills shortage. The Council requires to have sufficient numbers of suitably qualified, professional staff to be authorised to carry out the variety of functions within Regulatory Services. This is to ensure that the Council fulfils its statutory duties appropriately, and not incur financial penalties or other sanctions from EU Competent Bodies or other regulators of our services, such as Scottish Government, Public Service Ombudsman, Food Standards Agency or the Health and Safety Executive.
- 2.3 In response to this challenge the team is developing a `grow your own` approach, and is currently recruiting two Modern Apprentices to work in Regulatory Services as part of the Council's youth employment initiative. The team is also pioneering work to develop a Regulatory Services Modern Apprentice qualification – the first in Scotland.
- 2.4 In addition five technical level officers within Regulatory Services will be working towards gaining the Msc in Environmental Health by September 2013 with distance learning via the University of Derby. This will give them the appropriate qualification to become an Environmental Health Officer.

- 2.5 In addition, a Trading Standards Technician is studying for the Diploma in Consumer Affairs and Trading Standards via the Trading Standards Institute Academy, which will give them the qualification to practice as a Trading Standards Officer.
- 2.6 Successful completion of these courses of study will maximise the opportunity to recruit from within the organisation if vacancies arise.
- 2.7 The strongly established ethos of the Customer Service Excellence standard which is now firmly embedded in the work of the food safety team will be used as a benchmark for other areas of Regulatory Services to achieve the Customer Service Excellence standard across the entire Regulatory team.
- 2.8 Following public consultation on the proposed extent of and Declaration of an Air Quality Management Area in Crieff a cross service working group will be formed to identify potential pollution reduction measures which will be incorporated into an Air Quality Action Plan to address the exceedences of Nitrogen Dioxide and Particulates identified in parts of Crieff High Street.
- 2.9 The work with ethnic minority businesses and MEAD will continue, and training sessions will be expanded to include other regulatory service areas.
- 2.10 Trading Standards will continue to support the Scottish Governments enhanced tobacco enforcement programme with underage test purchases and advisory visits in relation to the sale of tobacco. This will build on previous years work, but with the emphasis on issuing fixed penalty notices to repeat offenders. In addition the requirement for all retailers to remove tobacco and smoking related products from public display by April 2015 will require Trading Standards staff to engage with the retail trade to achieve compliance by the due date (premises with floor area in excess of 280 sq metres already have to comply).
- 2.11 Animal Welfare Officers will seek to establish regular monitoring of areas identified as potential fouling hot spots with Community Police Officers and will actively engage with dog owners and communities to promote the Green Dog Walkers initiative in an effort to increase community engagement in reducing anti social behaviour amongst dog owners.

3. CONCLUSION AND RECOMMENDATIONS

- 3.1 The Committee is asked to:
- Endorse the activities of the Environment Services` Regulatory Services in protecting communities within Perth and Kinross.
 - Note the key areas for development in 2013/14

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	Yes
Strategic Environmental Assessment	Yes
Sustainability (community, economic, environmental)	Yes
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

1.1 This report contributes to the local outcomes of:

- Our Communities and people experiencing inequalities will have improved quality of life, life chances and health
- Our people will have improved health and wellbeing
- Our area will have a sustainable natural and built environment

Corporate Plan

1.2 The Council's Corporate Plan 2013 – 2018 lays out five outcome focussed strategic objectives which provide clear strategic direction, inform decisions at a corporate and service level and shape resources allocation. They are as follows:

- i. Giving every child the best start in life;
- ii. Developing educated, responsible and informed citizens;
- iii. Promoting a prosperous, inclusive and sustainable economy;
- iv. Supporting people to lead independent, healthy and active lives; and
- v. Creating a safe and sustainable place for future generations.

1.3 This report contributes to objective v.

2. Resource Implications

Financial

- 2.1 There are no financial implications arising directly from this report.

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.
- 3.2 The proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome: Assessed as not relevant for the purposes of the EqIA.

Strategic Environmental Assessment

- 3.3 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.
- 3.4 In respect of this proposal no further action is required as it does not qualify as a PPS as defined by the Act and is therefore exempt

Sustainability

- 3.5 Under the provisions of the Local Government in Scotland Act 2003 the Council has to discharge its duties in a way which contributes to the achievement of sustainable development.

Legal and Governance

- 3.6 The Head of Legal Services has been consulted in the preparation of this report.

Risk

- 3.7 There are no corporate risks associated with the proposals contained within this report.

4. Consultation

Internal

- 4.1 The Head of Legal Services and the Head of Democratic Services have been consulted on the content of this report and are in agreement with the proposals.

5. Communication

- 5.1 Communication will be on-going with relevant internal and external stakeholders.

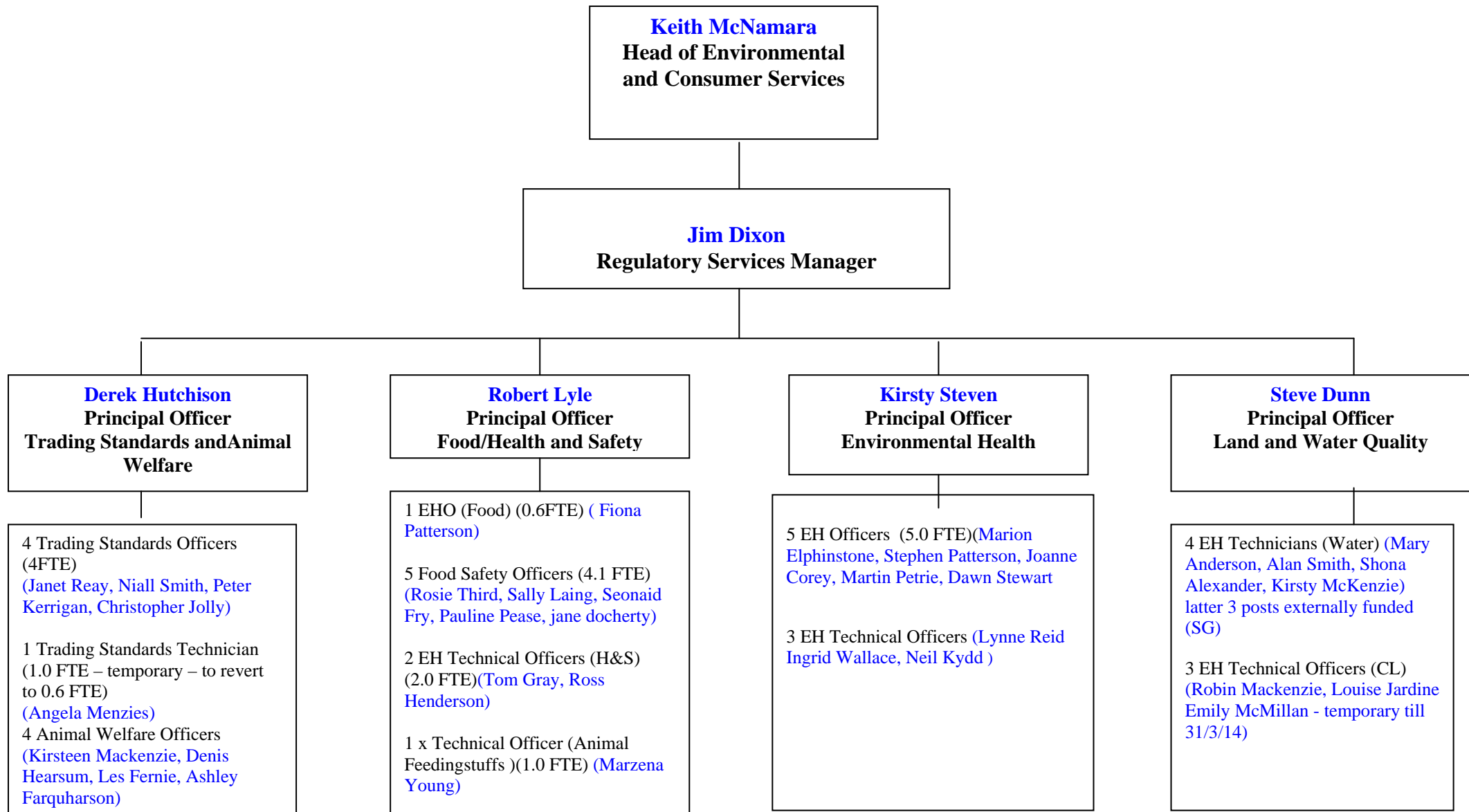
2. BACKGROUND PAPERS

- No background papers were relied upon

3. APPENDICES

Appendix 1 – Regulatory Services Structure
Appendix 2 – Charter for Good Regulation

Regulatory Services Organisational Structure





Charter for Good Regulation -

Environmental and Consumer Services

This Charter sets out how the regulatory services within Environmental and Consumer Services will carry out their enforcement functions. Environmental and Consumer Services covers activities such as Environmental Health, Food Safety, Trading Standards, Health and Safety, Animal Health and Welfare and Waste Services.

The purpose of our enforcement activity is to meet the Council's objectives for ensuring the safety of our community, protecting the environment, and ensuring a prosperous economy. We are also required to comply with certain statutory enforcement duties placed on the Council by legislation.

Regulation is an important part of the context within which businesses operate. Effective and well targeted regulation by the Council plays an important role in ensuring the economic well-being of Perth and Kinross. It protects the vulnerable and the environment. It promotes equality, and helps raise the standards of service. It provides the platform for fair competition, giving reassurance to consumers and businesses alike. As such, regulation is a key enabler to economic activity.

The Charter sets out the key principles under which enforcement officers will seek to achieve compliance with the civil and criminal legislation enforced by our regulatory services. It is intended to guide enforcement officers in deciding what course of action to take when discovering infringements. It also seeks to ensure consistency in the decision making process regarding the enforcement actions taken by our officers.

The Charter is designed to help businesses and individuals understand our objectives and methods for achieving compliance, as well as the criteria considered when deciding what the most appropriate response is to a breach of legislation.

Through this Charter, we will:

- (1) Carry out our enforcement activities in a fair, helpful, transparent, accountable, proportionate and consistent way.
- (2) Advise businesses and individuals who might be affected by our regulatory activities, what our enforcement approach is in order to build understanding between our regulatory teams and the local community.

- (3) Inform our own staff what our enforcement standards are, both on induction to the Service, and during their enforcement careers.
- (4) Establish a clear framework for our officers, to ensure they are acting in a fair, consistent and reasonable manner when they take enforcement action.
- (5) Monitor our actual performance against what we say we should be doing, so that any variances from good practice are spotted early, and corrected.
- (6) Translate national Government initiatives such as the Enforcement Concordat, and the Regulator's Compliance Code and the Better Regulation Agenda , into our own activities.
- (7) Contribute to the Council's aspirations for community safety, protection of the environment, economic prosperity, equalities and fairness to all.

All citizens should benefit from the Charter through better information, choice, safety and fair treatment.

This Charter is supplemented by an Annexe which provides more detail on our regulatory activities, our aims for ensuring good practice, the steps we will take to meet our Charter commitments, and what actions are open to you if you do not think we are meeting the terms of our Charter.

Keith McNamara
Head of Environmental & Consumer Services
March 2013

Perth and Kinross Council

Charter for Good Regulation - Environmental and Consumer Services

Annexe

March 2013



Good Practice Charter for Regulation - Annexe

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1. Introduction

The Charter for Good Regulation sets out how the regulatory services within Environmental and Consumer Services will carry out their enforcement functions. In some organisations, this type of document would be known as an “enforcement policy”. This Annexe explains in more detail our regulatory activities, the steps we will take to ensure we meet our Charter commitments, and what actions are open to you if you do not think we are meeting the terms of the Charter.

The purpose of our enforcement activity is to meet the Council’s objectives for ensuring the safety of our community, protecting the environment, and ensuring a prosperous economy. We are also required to comply with certain statutory enforcement duties placed on the Council by legislation.

Regulation is an important part of the context within which businesses operate. Effective and well-targeted regulation by the Council plays an important role in ensuring the economic well-being of Perth and Kinross. It protects the vulnerable and the environment. It promotes equality, and helps raise the standards of service. It provides the platform for fair competition, giving reassurance to consumers and businesses alike. As such, regulation is a key enabler to economic activity.

Regulatory services are a valuable source of advice for businesses on good practice, and how to comply with the law. However, where regulations are over- zealously implemented or enforced, they can stifle innovation and economic growth, and produce other unintended consequences.

At a national level, the Government is driving forward a “Better Regulation” agenda. This agenda is about finding more effective ways of designing and enforcing regulation, without placing unnecessary burdens on those who are regulated. It is about streamlining bureaucracy in order to support increased productivity and prosperity.

In order to ensure that Environmental and Consumer Services meet Better Regulation aspirations – to maximise regulatory outcomes while minimising burdens on businesses and other regulated entities – we have prepared this Charter.

The Charter sets out the key principles under which enforcement officers will seek to achieve compliance with the civil and criminal legislation enforced by our regulatory services. It is intended to guide enforcement officers in deciding what course of action to take when discovering infringements. It also seeks to ensure consistency in the decision making process regarding the enforcement actions taken by our officers.

The Charter is designed to help businesses and individuals understand our objectives and methods for achieving compliance, as well as the criteria considered when deciding what the most appropriate response is to a breach of legislation.

2. What Activities does it Apply to?

The Environmental and Consumer Services Vision is:

“To contribute to the protection and improvement of public/animal health and wellbeing in Perth and Kinross, through the equitable enforcement of legislation, and provision of advice and guidance, while influencing behaviour to prevent the negative effects of environmental impacts, antisocial behaviour and unfair trading practices”.

The primary focus of our enforcement work is to protect the public, the environment and those who live, work and visit Perth and Kinross from unfair and unsafe practices.

The following are the three main areas of activity within Environmental and Consumer Services

Environmental Health

The primary function in relation to Environmental Health is to carry out statutory duties in relation to the potential adverse effects of the environment on public health. This is achieved by monitoring aspects of the environment and regulating and enforcing a variety of legislation. The diverse areas of environmental factors which this team deals with are:

- Air Quality
- Antisocial Noise
- Contaminated Land
- Animal Health and Welfare
- Housing Standards and Grants
- Licensing of certain types of activity
- Planning consultations
- Pollution
- Public Health
- Private Water Supplies

Commercial Regulation

The primary function of Commercial Regulation is the carrying out of statutory duties in relation to the Council's responsibilities to regulate commercial activities in respect of Food Safety, Health and Safety at Work, and Trading Standards. The main areas of enforcement which this team deals with are

- Food Hygiene
- Food Standards (composition, labelling etc)
- Communicable disease and food poisoning
- Workplace Safety
- Weights and Measures
- Fair Trading
- Consumer Safety

The overall objective is to safeguard consumers, local businesses interests and visitors to the area by effectively and efficiently promoting a fair, safe and healthy trading environment for the benefit of all who live, work and visit Perth and Kinross.

The Environmental Health and Commercial Regulation activities are implemented via the Regulatory Services team within Environmental and Consumer Services.

Waste Services

The Waste Services primary function is to contribute to the protection and enhancement of the environment through the promotion and delivery of sustainable waste management practices in Perth and Kinross. This is achieved, in part, by regulatory means, covering areas such as:

- Litter
- Graffiti removal (in certain public places)
- Refuse collection and waste disposal

The activities of Environmental and Consumer Services fit within the overall objectives of the Environment Service, which are:

1. To promote sustainable development
2. To develop and support a thriving and inclusive economy and promote Perth and Kinross as a place to live, work and visit
3. To manage, maintain and enhance the public realm and provide safe and convenient access for all users
4. To protect and promote the health, safety and well being of communities
5. To provide efficient and effective service delivery

3. Objectives of the Charter

Through the Charter we will:

- (1) Carry out our enforcement activities in a fair, helpful, transparent, accountable, proportionate and consistent way.
- (2) Advise businesses and individuals who might be affected by our regulatory activities, what our enforcement approach is in order to build understanding between our regulatory teams and the local community.
- (3) Inform our own staff what our enforcement standards are, both on induction to the Service, and during their enforcement careers.
- (4) Establish a clear framework for our officers, to ensure they are acting in a fair, consistent and reasonable manner when they take enforcement action.
- (5) Monitor our actual performance against what we say we should be doing, so that any variances from good practice are spotted early, and corrected.
- (6) Translate national government initiatives such as the Enforcement Concordat, the Regulator's Compliance Code and the Better Regulation agenda, into our own activities.
- (7) Contribute to the Council's aspirations for community safety, protection of the environment, economic prosperity, equalities and fairness for all.

All citizens should benefit from the Charter through better information, choice, safety and fair treatment.

4. Principles of Good Regulation

In carrying out our enforcement activities, we will apply the following principles:

Fairness

- Our decisions on enforcement activities will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.
- We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision whether to take enforcement action.
- Perth and Kinross Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in particular:

Article 6 – the right to a fair trial

Article 8 – the right to respect for private and family life, home and correspondence

Article 14 – prohibition of discrimination on any grounds

- If we receive information [for example from a complainant] that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a health and/or safety risk to those concerned or the general public.
- During the course of enforcement investigations/actions, business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998.
- All enforcement officers will be expected to adhere to the enforcement policy in order to achieve consistent, balanced and fair enforcement and to co-operate in helping businesses and individuals to comply with the law.

Helpfulness

- We believe that prevention is better than cure. Our role will involve actively working with businesses, (especially small and medium sized ones), to advise on, and assist with, compliance so businesses and others can meet their legal obligation without unnecessary expense.

- We will provide guidance and advice in a range of formats, such as face to face interactions, telephone, and online. We have access to translation services to communicate in a wide range of languages. We will seek to maximise the reach, accessibility, and effectiveness of our advice.
- We will provide a courteous and efficient service and officers will identify themselves by name. We will provide a contact point and telephone number and will encourage businesses to seek advice/information from us.
- While it is understood that it is primarily the responsibility of individuals and businesses to ensure compliance with the law, enforcement officers will help them, wherever possible, to understand their legal responsibilities.
- We will provide information and advice, in plain language, on the rules and regulations that apply.
- We will discuss general issues, specific non-compliances or problems with anyone experiencing difficulties.
- When carrying out inspections we will give positive feedback to businesses and individuals, to encourage and reinforce good practices.
- If asking you for information, we will ensure that it is entirely necessary and that we will avoid duplicate requests for information.

Proportionality

- We will minimise the costs of compliance for businesses by ensuring that any action we require is proportionate to the risks involved. As far as the law allows, we will take account of the circumstances of the case and the attitude of the parties involved when considering action.
- We will take firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly.
- We will ensure that our inspections and regulatory actions are targeted at those activities which present the greatest risk, or deliberately flout the law, rather than using our resources to target businesses that are low risk, and are genuinely striving to meet their obligations. We will reward consistently good levels of compliance with lower frequencies of inspection and reporting requirements.

Consistency

- We will carry out our duties in a fair, equitable and consistent manner.
- While officers are expected to exercise judgement in individual cases, arrangements are in place to promote consistency. This includes liaison with other authorities and enforcement bodies through schemes, such as the Home Authority Principle, set up by the Local Authorities Co-ordinating Office on Regulatory Services (LACORS).

Transparency

- Transparency means helping regulated entities understand what is expected of them and what they should expect from the enforcing authorities. It also means making clear to regulated entities not only what they have to do but, where relevant, what they don't. This means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.
- Advice from an officer will be clear and simple and will be confirmed in writing, if requested. It will explain why any remedial work is necessary and over what time-scale.
- Before formal enforcement action is taken, officers will provide an opportunity to discuss the issues. If possible, points of difference will be resolved, unless immediate action is needed (for example, in the interests of food safety, health and safety, environmental protection, or to prevent evidence being destroyed).
- Where immediate action is necessary, an explanation of why such action is required will be given at the time.
- We will be open about how we carry out our duties, including any charges that we set.
- Where appropriate, we will consult businesses, voluntary organisations, charities, consumers and workforce representatives on relevant issues

Accountability

- As regulators we are accountable to the public for our actions. This means that enforcing authorities must have policies and standards (such as the enforcement principles above) against which we can be judged, and an effective and easily accessible mechanism for dealing with enquiries and complaints.
- We will work with business, interested parties and technical experts where appropriate, to draw up clear standards. These will set out the level of service and performance that the public and businesses can expect to receive. We will publicise the results of our performance.

5. What Enforcement Options are Available

'Enforcement action' includes any action taken by duly authorised enforcement officers aimed at ensuring that businesses or individuals comply with the law. This is not limited to formal enforcement, and includes other 'enforcement activities' such as advisory visits, inspection, licensing and assisting with compliance.

In reaching enforcement decisions officers will consider all the relevant facts and circumstances.

The enforcement actions available are:-

- (a) Informal action and advice
- (b) Fixed Penalty Notices
- (c) Penalty Charge Notices
- (d) Statutory notice including Abatement, Emergency Prohibition or Closure
- (e) Seizure of goods/equipment/documents
- (f) Undertaking or Enforcement Order
- (g) Interdict
- (h) Anti-Social Behaviour Order (ASBO)
- (i) Antisocial Behaviour Agreements (ABA)
- (j) Refusal/revocation of a licence/registration/approval
- (k) Formal warning
- (l) Prosecution report

6. When will we prosecute offenders ?

In Scotland the Procurator Fiscal decides whether to bring a prosecution. This may be on the basis of a recommendation by an enforcing authority such as ourselves. Enforcing authorities must use discretion in deciding whether to report to the Procurator Fiscal with a view to prosecution.

In Scotland, before prosecutions can be instituted, the Procurator Fiscal will need to be satisfied that there is sufficient evidence and that prosecution is in the public interest:

- Evidence – the enforcement officer must be satisfied that there is enough evidence to provide a ‘realistic prospect of conviction’ against an accused. This is an objective test that means that ultimately the Sheriff is more likely than not to convict the accused of the charge/s alleged.
- Public Interest - Before submitting a report to the Procurator Fiscal, we will give consideration to balance the factors for and against any proposed report carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the accused. Some factors may increase the need to submit a report to the Procurator Fiscal, for example, where an individual or business:
 - Endangers, to a significant degree, the health, safety or well being of people, animals or the environment.
 - Deliberately, negligently or persistently breaches legal obligations likely to cause significant material loss, harm or nuisance to others
 - Deliberately or persistently fails to act on, or comply with, previously issued warnings or notices, having been given reasonable opportunity to do so.
 - Has a history of similar breaches and/or previous convictions
 - Assaults or obstructs an enforcement officer in the course of their duties
 - Is unlikely to be able to establish any relevant statutory defences
 - Is unwilling to prevent a recurrence of the problem

The sanctions and penalties will:

- Aim to change the behaviour of the offender
- Aim to eliminate any financial gain or benefit from non-compliance
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction
- Be proportionate to the nature of the offence and the harm caused

- Aim to restore the harm caused by regulatory non compliance, where appropriate and
- Aim to deter future non compliance

Our authorised enforcement officers will abide by this Charter when making enforcement decisions and all operational procedures will be written to accord with it. Any departure from policy must be exceptional, capable of justification and be fully considered by senior management of the Service before the decision is made; unless it is believed that there is a significant risk to the public or environment in delaying the decision.

7. How do we Know we are Complying with the Charter?

There is no point in us having this Charter if we do not meet the commitments we make in it. Therefore we will:

- Through the appropriate selection and recruitment process only appoint officers who meet the relevant standards of competency for their jobs, where possible. Where additional training is identified either through the recruitment or ERD process this will be provided under the direction of the relevant managers..
- Ensure that no officers will carry out enforcement work unless they are suitably trained, experienced and duly authorised to do so.
- Ensure new enforcement officers are trained in the contents of this Charter, when they join the Service, while ensuring existing enforcement officers have also been trained on its requirements.
- Prepare a checklist of good practice, and will monitor each of our enforcement activities, to ensure we meet the Charter's objectives.
- Review this Charter, and monitor our own activities on a two yearly basis; or sooner if the need arises.
- Ensure regulatory/enforcement issues are a standing item on the Environmental and Consumer Services Management Team Meetings Agenda.
- Ensure our officers take part in national liaison groups to enhance their knowledge and ensure our enforcement actions are proportionate to those carried out by other local authority regulatory services.

8. If You are Unhappy with our Regulatory Activities

We welcome your comments on the services we provide. Should you consider that our enforcement approach has been unfair, unreasonable, or our actions are contrary to this Charter, then you can seek redress in one of the following ways:

(a) Contacting the Manager for the enforcement activity:

<u>Activity</u>	<u>Contact</u>
Environmental Health (Public Health, Private Water Supplies, Housing ,Pollution,, Pest control,Animal Health and Welfare etc)	Jim Dixon Regulatory Services Manager Telephone: 01738 476471 JJDixon@pkc.gov.uk
Commercial Regulation (Food Hygiene; Food Standards; Health and Safety at Work; Fair Trading; Weights and Measures; Consumer and Product Safety, Business and Consumer Advice etc)	Jim Dixon Regulatory Services Manager Telephone: 01738 476471 JJDixon@pkc.gov.uk
Waste Services (Litter; Illegal presentation or Dumping of Waste)	Bruce Reekie Waste Services Manager Telephone: 01738 476448 BReekie@pkc.gov.uk

(b) Council Formal Complaints Procedure

The Council has service standards for responding to complaints. The Council is committed to providing a complaints system which is speedy, responsive to customers and acknowledges when things go wrong and seeks to correct them. The following is a brief summary of the complaints procedure. Further, more detailed advice is available on the Council website (www.pkc.gov.uk) or by contacting the Council's Customer Service Centre (telephone: 01738 476476)

When making a formal complaint, please try to describe what happened as clearly and simply as possible, and let us know how you think we can put things right.

Formal complaints are dealt with in two stages as follows:

We have adopted the Scottish Public Service Ombudsman's (SPSO) definition of a complaint, which is:

"...an expression of dissatisfaction about the Council's action or lack of action or about the standard of service provided by or on behalf of the Council."

The SPSO requires us to put in place internal processes that can record and report on all complaints, whether we investigate them formally or not. This may include, but is not limited to, complaints about:

- ☐ Delays in responding to enquiries and requests;
- ☐ Failure to provide a service requested;
- ☐ The standard of service provided;
- ☐ Council policy;
- ☐ Attitude of a member of staff;
- ☐ Failure to follow a proper administrative process.

When a complaint is received, every effort should be made to resolve it at what will be called Front Line Resolution (FLR), within five working days

This could mean an on-the-spot apology, or explaining why the issue occurred and what will be done to stop this happening again.

Where customers make contact with our Customer Service Centre or in person at the Customer Service Point in Pullar House, then recording will be through the Council's Customer Relationship Management (CRM) system, which we use to manage information about our customers and the types of contact they have with us.

If the complainant is not satisfied with the outcome of the FLR, or if it is considered that the complaint is serious or complex and cannot be resolved at the FLR stage, then an Investigation will be undertaken as the next stage in the process. The appropriate Service Complaints Co-ordinator will appoint an Investigating Officer, who will be expected to have a response signed by the relevant Head of Service within 20 working days. This then completes the Council's complaints process.

If a complainant is still not happy after completing both stages of our corporate complaints procedure then they can ask the Scottish Public Services Ombudsman, 4 Melville Street, Edinburgh EH3 7NS. (Tel 0870 011 5378) to investigate it

The Scottish Public Services Ombudsman's office can be contacted at any time for advice, but they won't normally investigate a complaint until both stages of the Council's complaints procedure have been exhausted.

9. Future Suggestions/Proposals

The Government's Better Regulation agenda will develop over the coming years, and combined with our own evolving experience of providing better customer focussed regulatory services, we will regularly review this Charter.

If you have any comments or suggestions as to how we can improve the Charter, please let us know by contacting:

Keith McNamara
Head of Environmental and Consumer Services
Phone: 01738 476404
E-mail: KDMcNamara@pkc.gov.uk
Fax: 01738 476406

If you or someone you know would like a copy of this document in another language or format, (on occasion only a summary of the document will be provided in translation), this can be arranged by contacting
Service Development 01738 476161

إن احتجت أنت أو أي شخص تعرفه نسخة من هذه الوثيقة بلغة أخرى أو تصميم آخر فيمكن الحصول عليها (أو على نسخة معدلة للملخص هذه الوثيقة مترجمة بلغة أخرى) بالاتصال ب: الاسم: Service Development رقم هاتف للاتصال المباشر: 01738 476161
اگر آپ کو یا آپ کے کسی جاننے والے کو اس دستاویز کی نقل دوسری زبان یا فارمیٹ (بعض دفعہ اس دستاویز کے خلاصہ کا ترجمہ فراہم کیا جائے گا) میں درکار ہے تو اس کا بندوبست سروس ڈیولپمنٹ Service Development سے فون نمبر 01738 476161 پر رابطہ کر کے کیا جاسکتا ہے۔

如果你或你的朋友希望得到這文件的其他語言版本或形式 (某些時候，這些文件只會是概要式的翻譯)，請聯絡
Service Development 01738 476161
來替你安排。

Jeżeli chciałbyś lub ktoś chciałby uzyskać kopię owego dokumentu w innym języku niż język angielski lub w innym formacie (istnieje możliwość uzyskania streszczenia owego dokumentu w innym języku niż język angielski), Proszę kontaktować się z
Service Development 01738 476161

Jestliže vy a nebo někdo, koho znáte, by si přál kopii tohoto dokumentu v jiném jazyku nebo formátu, (v případě nutnosti bude přeložen pouze stručný obsah dokumentu), může to být zajištěno kontaktováním
Service Development 01738 476161

Если вам или кому либо кого вы знаете необходима копия этого документа на другом языке или в другом формате, вы можете запросить сокращенную копию документа обратившись
Service Development 01738 476161



Council Text Phone Number 01738 442573

All Council Services can offer a telephone translation facility

Appendix 1

(a) Informal Action and Advice

Minor incidents are normally dealt with by means of informal action and would involve the enforcement officer drawing the matter to the attention of the individual or to the owner of the business or to an appropriate employee, and giving advice where necessary. A report may be left at the time of the visit or contained within a written warning or advisory letter. Rarely will a minor or technical infringement result in more formal action being taken, particularly if it is capable of immediate rectification.

A follow-up visit will be made, where circumstances demand, to ensure minor matters have been rectified. However, if previous advice has been ignored, an enforcement officer may choose to treat the continuing breach in a formal way.

(b) Fixed Penalty Notices

Certain prescribed offences are subject to fixed penalty notices. These notices are recognised as a low-level enforcement tool and avoid a criminal record for the offender, if paid on time.

(c) Penalty Charge Notices

Penalty Charge Notices are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcement agency in recognition of the breach. Failure to pay the Penalty Charge Notice will result in the offender being pursued in the civil court for non-payment of the debt. A Penalty Charge Notice does not create a criminal offence, if paid on time.

(d) Statutory Notice including Emergency Prohibition or Closure

Certain legislation allows statutory notices to be served requiring offenders to take specific actions or cease certain activities. These notices may require activities to cease immediately where required by circumstances relating to health, safety, environmental damage, commercial disadvantage or nuisance. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance. All statutory notices issued will include details of any appeal process.

Certain types of statutory notice allow works to be carried out by default. This means that if the statutory notice is not complied with (breach of the notice) the Council may carry out any necessary works to satisfy the requirements of the notice. Where the law permits, the Council may then charge the business or individual served with the notice for any costs incurred in carrying out the remedial work.

(e) Seizure of Goods/Equipment/Documents

Certain legislation enables enforcement officers to seize goods, equipment or documents. When goods/equipment/documents are seized the enforcement officer will, when circumstances permit, give the business or individual from whom the goods are being taken the relevant legal documentation and an appropriate receipt.

(f) Undertaking or Enforcement Order

Proceedings may be brought against a business or individual under the Enterprise Act 2002, where they have acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most circumstances action will be considered where there have been persistent breaches or where there is significant consumer detriment. The following enforcement action can be taken:

- Informal Undertaking – business or individual informally agrees with enforcement officers to desist from breaching specified legislation where the breach harms the collective interests of consumers.
- Formal Undertaking – business or individual agrees to formally sign a written undertaking to desist from breaching specified legislation where the breach harms the collective interests of consumers.
- Enforcement Order - enables specified enforcers to apply to the courts for an enforcement order to stop a business or individual from breaching specified legislation where the breach harms the collective interests of consumers.

(g) Interdict

In certain circumstances an interdict (i.e. a civil court order) can instruct a business or individual not to do something or stay away from a particular place or person. If the recipient breaches the interdict, then the Police may be able to arrest them if the interdict gives them the power to do so.

(h) Anti-Social Behaviour Order (ASBO)

Anti Social Behaviour Orders (civil court orders which forbid specific threatening or intimidating actions) can be applied for, in conjunction with the Council's Anti-Social Behaviour Team, where the non-compliance under investigation amounts to anti-social behaviour. Any subsequent breach of an ASBO by an offender becomes a criminal offence.

(i) Antisocial Behaviour Agreement (ABA)

Anti-social behaviour agreements are used to address unacceptable behaviour in the community which causes people to feel frightened or angry. Offenders can be interviewed by the Police/Council officers and may be asked to sign an Acceptable Behaviour Agreement aimed at helping them improve their behaviour. If they require support then this may be provided. Breaching

an Acceptable Behaviour Agreement may lead to the Police/Council seeking an Anti Social Behaviour Order.

(j) Refusal/Revocation of a Licence/Registration/Approval

Where there is a requirement for a business or individual to be licensed/registered/approved by the local authority for a prescribed activity, the licence/registration/approval may be granted unless objections or other relevant grounds for refusal are received against the application. If a business or individual does not comply with the conditions of licence/registration/approval then the licence/registration/approval may be refused or revoked depending on the circumstances.

Licences/registrations/approvals may be suspended or revoked with immediate effect if such a decision is deemed necessary in the interests of protecting the environment, public health or safety.

(k) Formal Warning

A formal warning may be issued to a business or individual where it is decided that:-

- 1) Informal action or advice has been tried without success
- 2) Past history warrants this action
- 3) There is lack of confidence in the businesses or individual's management system that matters will be rectified.
- 4) Consequences of non-compliance could pose a significant risk or detriment to consumers, the public or other businesses.
- 5) The events are serious enough to warrant a prosecution report, however a decision is taken not to follow that course of action after considering all the relevant facts.

Formal warnings will be sent by recorded delivery with clear timescales for compliance indicated to the business or individual concerned and an indication that failure to comply may result in a report to the Procurator Fiscal.

Formal warnings will be signed by the Service Manager or other nominated signatory in their absence, such as Principal Officer.

A copy of the formal warning will be sent by recorded delivery to the head/registered office of a business or individual where appropriate. In addition, a copy may also be sent to the 'Home Authority' regulatory service where the business or individual has their head/registered office.

(l) Prosecution Report

A prosecution report will normally only be submitted to the Procurator Fiscal in relation to more serious matters, see section 6 above for more details.

