

Trading Standards Service

BVPI 166b Assessment 2007/8

The Best Value Performance Indicator (BV166b) for trading standards services remains unaltered from the 2005/6 checklist. The results for Oldham MBC Trading Standards are as follows (the questions are shown in the Appendix to this report):

Question	Answer	Score	Comment
1a	Yes	0.125	
1b	Yes	0.125	
1c	Yes	0.125	
1d	Yes	0.125	
1e	Yes	0.125	
1f	Yes	0.125	
1g	Yes	0.125	
1h	Yes	0.125	
2a	Yes	0.333	We have carried out a review of compliance against the Food Safety Act 1990, s40 Code of Practice and determined that we provide a level of pre-planned inspection in accordance with the Code, which is well complimented by our intelligence led approach.
2b	Yes	0.333	We have carried out a review of our inspection regime in light of the Hampton Report and other changes to operational guidance. This has led us to change our inspection regimes to take account of this revised guidance.
2c	Yes	0.333	
3.	Yes	1.0	
4.	Yes	1.0	This is the prevention element of the strategic assessment
5.	Yes	1.0	
6a	Yes	0.50	
6b	Yes	0.50	We are the lead agency for Oldham's Consumer Support Network
7a	Yes	0.50	
7b	Yes	0.50	
8	Yes	1.0	
9	Yes	1.0	AGMA Benchmarking Exercise has been undertaken every other year for past five years
10a	Yes	0.333	
10b	Yes	0.333	
10c	Yes	0.333	
TOTAL SCORE		10/10 – 100%	

BVPI GUIDANCE

9.5 Environmental health and trading standards BVPIs

Quality

BV 166

Score against a checklist of enforcement best practice for environmental health/trading standards.

The proposed checklist below is drafted with 10 points, with one or more question per point. Each point is worth 1 mark. The question(s) under each point are worth a fraction of that mark. Each question requires a Yes or No answer. For example there are eight questions under point 1, so a Yes answer to one question under point 1 attracts a score of 1/8th, and a Yes answer to five questions attracts a score of 5/8th.

1. Written enforcement policies

- a. Does the authority have written and published enforcement²⁴ policy/policies, formally endorsed by its members that cover all aspects of environmental health and trading standards enforcement?
- b. Is non-compliance with statutory requirements followed up in accordance with the enforcement policy/policies?
- c. Do the policy/policies confirm that the authority has signed the Enforcement Concordat?
- d. Do the policy/policies take into account the guidance set out in The Code for Crown Prosecutors?
- e. Do the policy/policies include the criteria to be met before formal enforcement by the authority?
- f. Do the policy/policies make provision for situations where there is a shared enforcement role?
- g. Do the policy/policies make provision for the particular interests of consumers within the authority's area including business owners, employees and the public?
- h. Are the policy/policies mentioned above followed, monitored, and reported on, and any variations addressed within a service plan or BVPP?

2. Planned Enforcement Activity

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

- a. meet legal requirements
- b. otherwise have regard to official guidance
- c. otherwise have regard to professional guidance and standards

The authority must be able to demonstrate that it regularly reviews its interpretation and application of legislation and guidance. For example, in the Trading Standards area, it should carry out an annual comparison of the proportion of its trading premises that it has classified as having high, medium or low inspectable risk with the figures for other authorities. It should then carry out process benchmarking with other authorities if these proportions differ significantly from the average, ie, if the authority's figures are in the upper or lower decile.

3. Are the programmes and regimes mentioned above in point 2 followed, monitored and reported on, and any variations addressed within a service plan or BVPP?
4. Does the authority have targeted educational and information programmes?
5. Are the programmes mentioned above in point 4 followed, monitored and reported on and any deviations from the planned programmes addressed within a service plan or BVPP?

Reactive and responsive enforcement activity

6. Does the authority have and implement policies, procedures and standards for:
 - a. responding to and dealing with complaints made to the local authority about a third party and requests for services regarding statutory enforcement functions?
 - b. Supporting the provision of consumer advice, including participation in a Consumer Support Network?
7. Does the authority have and implement policies, procedures and standards for responding to and dealing with:
 - a. Statutory notifications (eg, RIDDOR reports of accidents, occupational diseases and dangerous occurrence)?
 - b. The referral to other regulators of relevant information received where there is wider regulatory interest?

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

Appropriate Resources

9. Has the authority within the last five years benchmarked its resources for relevant Services against similar local authorities or comparable service providers including private and voluntary?

10. Consultation and satisfaction levels

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

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

c. And are the consultation responses considered and acted upon? See revised Guidance on BV 166 Score against a checklist of enforcement best practice for Environmental/Health Trading Standards, ODPM January 2003.

Target setting: Local.

Scope: Metropolitan Authorities, London Boroughs, Unitary Authorities, County Councils, District Councils, Council of the Isles of Scilly, Common Council of the City of London.

[20] www.hm-treasury.gov.uk/mediastore/otherfiles/sr02_report_chap31.pdf

[21] www.encams.org

[22] www.defra.uk/environmental/litter/code/1-12.pdf

[23] In setting local targets district planning authorities should have regard to the Governments new national development control targets and to any performance Standards set by the Secretary of State for the authority. County councils to set their own year on year targets for county applications.

[24] Enforcement means action carried out in the exercise of, or against the background of, statutory powers. For example, the inspection of premises for the purpose of checking compliance with regulations and the provision of advice to aid compliance would be covered