

## Statutory Regulators' Code -Local Implementation in Bournemouth Borough Council

The Regulators' Code is a statutory national code relating to business/regulator interaction, coming into force in April 2014. It is addressed to all national and local regulatory bodies, including local authorities. This document outlines the various means whereby Bournemouth Borough Council complies with the national code where appropriate on a local basis. It has been approved by the relevant Portfolio. For ease of reference the full requirements of the national code are provided in the left hand column below, and the local arrangements are set out in the right hand column.

Requirements of National Regulators' Code	Local Arrangements to Comply with the Code by Bournemouth Borough Council
(General) If a regulator concludes, on the basis of material evidence, that a specific provision of the Code is either not applicable or is outweighed by another relevant consideration, the regulator is not bound to follow that provision, but should record that decision and the reasons for it.	Officers are not authorised to depart from the provisions of the code, as detailed and to be read with the local arrangements below. They must notify their line manager of the need for any potential exceptions. Any agreed exceptions must be documented and signed off by the Head of Regulatory Services.
<b>1 Regulators should carry out their activities in a way that supports those they regulate to comply and grow</b>	(Heading)
1.1 Regulators should avoid imposing unnecessary regulatory burdens through their regulatory activities and should assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Regulators should choose proportionate approaches to those they regulate, based on relevant factors including, for example, business size and capacity.	Bournemouth Council adopts a 'one council' approach whereby all of its staff, not just regulatory staff, understand that the success of local enterprise is vital to the further strength and growth of the town and its already successful economy. We seek to nurture and encourage a thriving local economy, helping businesses through sometimes confusing and complex legal requirements, towards compliance and a level, vibrant economic playing field. Major enforcement action is only taken where this is clearly necessary to protect citizens and/or other businesses from the actions of an uncompetitive, careless, irresponsible and/or deliberately illegal small minority.
1.2 When designing and reviewing policies, operational procedures	Bournemouth Council seeks to keep policies, procedures and

<p>and practices, regulators should consider how they might support or enable economic growth for compliant businesses and other regulated entities, for example, by considering how they can best:</p> <ul style="list-style-type: none"> <li>• understand and minimise negative economic impacts of their regulatory activities;</li> <li>• minimising the costs of compliance for those they regulate;</li> <li>• improve confidence in compliance for those they regulate; and</li> <li>• encourage and promote compliance.</li> </ul>	<p>practices to a practical minimum in order to avoid accidentally creating additional red tape for businesses, and to allow for greatest adaptability. We train and encourage our officers to act in a flexible way, using their initiative to help legitimate businesses, using common sense to achieve best results. This is always preferable to strict adherence to detailed written instructions, which can result in rigid, inappropriate responses in certain situations. Where procedures and the like are absolutely necessary, they are brief, they generally guide without destroying initiative, and take the factors mentioned in 1.2 into account.</p>
<p>1.3 Regulators should ensure that their officers have the necessary knowledge and skills to support those they regulate, including having an understanding of those they regulate that enables them to choose proportionate and effective approaches.</p>	<p>All officers undertake regular development and update training, including mentoring and work shadowing when required, to ensure the necessary skills are passed on at a practical level.</p>
<p>1.4 Regulators should ensure that their officers understand the statutory principles of good regulation and of this Code, and how the regulator delivers its activities in accordance with them.</p>	<p>This code, our enforcement policy, and specific details relevant to their own area of expertise, are required reading for all officers. Managers monitor and address any apparent officer training need through regular meetings with individual staff members.</p>
<p><b>2 Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views</b></p>	<p>(Heading)</p>
<p>2.1 Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.</p>	<p>See 1.2 above. We aim to minimise the use of anything that might add to the red tape and burdens on business. However where it is absolutely necessary or required by law to develop a policy (e.g. Licensing Act 2003 - Licensing Policy) we will consult and take into account a wide range of appropriate views prior to implementation.</p>
<p>2.2 In responding to non-compliance that they identify, regulators should clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these. Regulators should provide an opportunity for</p>	<p>Advice is generally explained verbally, face to face wherever possible, to allow for questions and clarification. It may also be provided, clearly and concisely, in writing. We endeavour to ensure that all advice is simple to understand and given in plain English,</p>

<p>dialogue in relation to the advice, requirements or decisions, with a view to ensuring that they are acting in a way that is proportionate and consistent.</p> <p>This paragraph does not apply where the regulator can demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.</p>	<p>avoiding technical terms or jargon.</p> <p>Where there is a situation as mentioned in the footnote to 2.2, a manager should normally be involved in making any decision to waive the applicability of 2.2, unless circumstances make communication with the manager impractical, and immediate response is required in order to protect the public.</p>
<p>2.3 Regulators should provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this Code. Individual officers of the regulator who took the decision or action against which the appeal is being made should not be involved in considering the appeal. This route to appeal should be publicised to those who are regulated.</p>	<p>Legal appeal routes against regulatory decisions, such as the service of a formal notice, are always explained clearly and in writing at the appropriate time. Appeals in relation to other matters of officer conduct or decision are addressed through the Council's complaints procedure, as detailed in our enforcement policy.</p>
<p>2.4 Regulators should provide a timely explanation in writing of any right to representation or right to appeal. This explanation should be in plain language and include practical information on the process involved.</p>	<p>The Council endeavours to ensure that all relevant information is provided clearly, in a timely manner and in writing.</p>
<p>2.5 Regulators should make available to those they regulate, clearly explained complaints procedures, allowing them to easily make a complaint about the conduct of the regulator.</p>	<p>See 2.3 above and reference to Council Complaints procedure.</p>
<p>2.6 Regulators should have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including, for example, through customer satisfaction surveys of those they regulate.</p>	<p>The Council regularly undertakes corporate customer satisfaction surveys, analyses and acts on the feedback. Regulatory Services analyses and acts where appropriate on any instances of complaints or positive feedback about our service.</p>
<p><b>3 Regulators should base their regulatory activities on risk</b></p>	<p>(Heading)</p>
<p>3.1 Regulators should take an evidence based approach to determining the priority risks in their area of responsibility, and should allocate resources where they would be most effective in addressing those priority risks.</p>	<p>No regulation activity takes place without an initiating reason, which may be risk or intelligence based, and this is explained in greater detail in our Enforcement Policy.</p>

3.2 Regulators should consider risk at every stage of their decision-making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.	The enforcement process is monitored and managed at every stage; risk is reviewed and reset as and when required. Prosecution can only be sanctioned by senior managers, who must consider all possible alternatives before reaching their conclusion.
3.3 Regulators designing a risk assessment framework, for their own use or for use by others, should have mechanisms in place to consult on the design with those affected, and to review it regularly.	We do not design our own risk assessment frameworks but follow schemes in place by national regulators - see our enforcement policy for more detail
3.4 Regulators, in making their assessment of risk, should recognise the compliance record of those they regulate, including using earned recognition approaches and should consider all available and relevant data on compliance, including evidence of relevant external verification.	Our officers always take into account the history of a business when assessing risk, our bespoke database application facilitates this task, in accordance with the relevant national risk framework
3.5 Regulators should review the effectiveness of their chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly.	This is covered by our management practices, mentioned above in 3.2, any need to adjust policy or practice as a result of the continual feedback of manager review is implemented accordingly
<b>4. Regulators should share information about compliance and risk</b>	(Heading)
4.1 Regulators should collectively follow the principle of "collect once, use many times" when requesting information from those they regulate.	We do not routinely collect information from businesses, this is covered in more detail in our enforcement policy
4.2 When the law allows, regulators should agree secure mechanisms to share information with each other about businesses and other bodies they regulate, to help target resources and activities and minimise duplication.	Bournemouth Borough Council strongly supports partnership working, particular in areas of local enforcement concern such as the Night Time Economy, where we have set up comprehensive arrangements to work together with other enforcers.
<b>5. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply</b>	(Heading)
5.1 Regulators should provide advice and guidance that is focused on	Generally, Bournemouth Borough Council avoids producing its own

<p>assisting those they regulate to understand and meet their responsibilities. When providing advice and guidance, legal requirements should be distinguished from suggested good practice and the impact of the advice or guidance should be considered so that it does not impose unnecessary burdens in itself.</p>	<p>generic advice and guidance on enforcement issues, since much of the law we enforce is derived from central bodies and national legislation. Further detail is provided in our Enforcement Policy</p>
<p>5.2 Regulators should publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language for the audience.</p>	<p>See 5.1 - we signpost businesses to central sources of guidance wherever possible. Where this is not possible or where it is necessary to provide some description of services available we endeavour to ensure that guidance is clear and concise.</p>
<p>5.3 Regulators should have mechanisms in place to consult those they regulate in relation to the guidance they produce to ensure that it meets their needs.</p>	<p>As mentioned in 5.1 this does not usually arise, as we are not a central regulator, and rely to a large extent on guidance produced by central regulators rather than generating our own. The Council has mechanisms in place for consultation which would be used if required.</p>
<p>5.4 Regulators should seek to create an environment in which those they regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.</p>	<p>We support the aims of 5.4. We support and adhere to the Home Authority and Primary Authority schemes, so that nationally, businesses only need liaise with one local authority and the advice they are given is authoritative for the whole of the UK. We aim to provide the reassurance that businesses seek in coming to us.</p>
<p>5.5 In responding to requests for advice, a regulator's primary concerns should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.</p>	<p>As 5.4 above.</p>
<p>5.6 Regulators should have mechanisms to work collaboratively to assist those regulated by more than one regulator. Regulators should consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.</p>	<p>We support, fund and actively attend regional and national professional partnership groups, working to ensure uniformity of advice and clear mechanisms for clarification should this be needed. Locally, we work in partnership with a number of enforcement agencies. We have well established links and are able to coordinate uniformity of approach wherever appropriate.</p>

<p><b>6. Regulators should ensure that their approach to their regulatory activities is transparent</b></p>	<p>(Heading)</p>
<p>6.1 Regulators should publish a set of clear service standards, setting out what those they regulate should expect from them.</p>	<p>Our service standards are set out in our enforcement policy</p>
<p>6.2 Regulators' published service standards should include clear information on:</p> <ul style="list-style-type: none"> <li>a) how they communicate with those they regulate and how they can be contacted;</li> <li>b) their approach to providing information, guidance and advice;</li> <li>c) their approach to checks on compliance, including details of the risk assessment framework used to target those checks and protocols for their conduct, clearly setting out what those they regulate should expect;</li> <li>d) their enforcement policy, explaining how they respond to non-compliance;</li> <li>e) their fees and charges, if any. This information should clearly explain the basis on which these are calculated, and should include an explanation of whether compliance will affect fees and charges; and</li> <li>f) how to comment or complain about the service provided and routes to appeal.</li> </ul>	<p>Our service standards are set out in our enforcement policy, and some aspects of (a) to (f) are also mentioned above.</p>
<p>6.3 Information published to meet the requirements of this Code should be easily accessible, including being available at a single point on the regulator's website that is clearly signposted, and it should be kept up to date.</p>	<p>The information is published on our website and regularly reviewed</p>
<p>6.4 Regulators should have mechanisms in place to ensure that their officers act in accordance with their published service standards, including their enforcement policy.</p>	<p>Regular officer work reviews are conducted by all team managers with their individual team staff, at which the requirements of this code, among other matters, is taken into account</p>
<p>6.5 Regulators should publish, on a regular basis, details of their performance against their service standards, including feedback</p>	<p>Such information will be published on our website and updated on an annual basis.</p>

received from those they regulate, such as customer satisfaction surveys, and data relating to complaints about them and appeals against their decisions.	
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