

11 September 2017

Impact of Brexit on regulatory services and community safety

Purpose

For information.

Summary

This note updates the Board on our work to consider the implications of Brexit on council regulatory services and community safety.

Recommendation

Members of the Safer and Stronger Communities Board are asked to note the findings of the recent report from Cornwall and planned future activity on this issue.

Action

Officers to take forward as directed.

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Impact of Brexit on regulatory services and safer communities

Background

1. The LGA Leadership Board has identified managing the impact of Brexit on local government as a key corporate priority. Of particular relevance to the Safer and Stronger Communities Board is the need to develop a new legal base for local government; councils' consumer protection and wider regulatory work relating to safer communities¹ is one of ten areas the LGA policy directorate has been asked to look at given that it is heavily shaped by EU law.²
2. As members will recall, given the very technical nature of many of the regulations, officers commissioned Cornwall Council to provide a high level narrative of the list of directives, rules and decisions identified by the LGA's Brussels office as being within the remit of this Board. In particular, Cornwall were asked to provide an insight into the scope for simplifying the regulations to reduce burdens on businesses or councils and the potential for any greater local control, discretion or devolution in how the regulation is carried out.
3. Officers from Cornwall Council have now provided a short report to the LGA providing a high level view of the opportunities and risks provided by Brexit. This is attached as an annex to this report. Additionally, the council has provided a comprehensive analysis of the individual regulations themselves, by rating the extent of routine and reactive enforcement of individual regulations and associated council resource requirement and level and nature of risk associated with removing the regulations.

Issues

4. The report from Cornwall officers concludes that, in broad terms, the regulations provide important protection, and there is no obvious case for wholesale repeal of them. It appears that the opportunities for improving the regulatory landscape are predominantly associated with the way in which regulations are carried out, rather than in the detail of the regulations themselves.
5. Particular opportunities highlighted in the report include:
 - 5.1. The scope for consolidating regulatory responsibilities around farms (an issue the Government has been looking into already, with a commitment to significantly reduce the number of farm inspections taking place) and food safety.
 - 5.2. Greater use of risk based and accreditation schemes.

¹ Broadly, this means including licensing, environmental health and trading standards work as it relates to safer communities, but excluding regulatory work with other objectives, eg environmental, which are being considered separately by relevant Boards.

² Including EU directives incorporated into UK law, EU rules and decisions.

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- 5.3. Simplification of the food export process, with a greater role for local authorities.
- 5.4. Using a review of the regulations (as and when this happens) to introduce the use of fixed penalty notices as a default across all areas.
6. Key risks highlighted in the report include: the potential loss of useful regulations (for example around protected food names) and loss of regulatory knowledge of the single market if the UK's regulatory framework diverges over time, making it harder for UK officers to provide accurate advice to businesses looking to export.
7. The general conclusions in the Cornwall report are in line with the initial conclusions and specific policy asks set out in earlier papers to the Board, which is encouraging and helps us to firm up the narrative outlined in the paper considered by the Board in March. However, we are conscious that it provides a professional view of the regulations and have therefore asked Cornwall to undertake some stakeholder engagement work in order to provide a view from local businesses and councillors. This further information is likely to be received next month.

Further work on Brexit issues

8. As well as working with Cornwall, officers have been engaging with other organisations looking at the impact of Brexit on their work or wider sector.
9. The City of London has commissioned research on the impact of Brexit on its port health responsibilities; in contrast to a review of the regulations, this is a more operationally focused piece of work that seeks to identify the challenges that will need to be managed at the point at which the UK leaves the EU, specifically around ports of entry and imports / exports, even if the regulatory framework remain the same. In follow up to this discussion, officers are arranging a visit for members of the Brexit task and finish group and SSCB lead members to visit the City's London Gateway and Tilbury port operations. This will help inform the LGA's lobbying work around customs, an issue due to be subject to legislation over the course of this Parliament.
10. We are also liaising with professional bodies such as the Chartered Institute of Trading Standards, who are undertaking their own thematic reviews of different areas of EU legislation, to share information about any challenges arising from the adoption of EU laws via the Repeal Bill and longer term opportunities for change. Again, this will help to inform any necessary lobbying on this issue.

Implications for Wales

11. WLGA have been involved in the discussions between government and the other representative bodies for local government. Officers are liaising with WLGA officials to discuss this work.

Financial Implications

12. This work is being undertaken within existing resource and commissioning budgets.