

## **SAFER COMMUNITIES BOARD**

**17<sup>th</sup> July 2006**

### **Decisions**

1. To note the progress to date.

### **Action by:**

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## Summary

1. This report outlines the progress to date with the Governments LBRO initiatives and outlines the key lobbying positions that LACORS have taken on behalf of local government and notes the key areas being lobbied upon. As part of ongoing discussions LACORS are meeting with senior officials within the DTI to ensure that the views of local government are communicated to the DTI Minister.

## Background

2. In December, 2005, the Chancellor in his Budget 05 speech advised that previous proposals to establish a Consumer and Trading Standards Agency (CTSA), in the UK had been set aside in favour of a new body to be known as a Local Better Regulation Office (LBRO)
3. In February 2006, the Government launched the initiative and advised that: -
  - *the intention for the LBRO is to focus explicitly on reducing the regulatory burden on businesses, large and small, through promoting intelligence led, risk based enforcement.*
  - *It will co-ordinate, help and support from local enforcers (Trading Standards and Environmental Health services) to make compliance easier for businesses, working to minimise the burdens from form filling and inspection.*
  - *It will place an emphasis on compliance rather than bureaucracy, helping to bring more businesses into regulatory compliance, thus ensuring high levels of public worker protection.*
  - *It will enable more targeting of resources at investigating and enforcing against a small minority of businesses who deliberately disregard the law, preventing real damage to the public, workers and other businesses.*
  - *It will drive up performance standards within the wider local government performance framework.*
4. The essential differences between the previous CTSA proposals (opposed by LGA and LACORS) and the new LBRO proposals are:
  - the CTSA proposal to remove parts of business regulation from local authority control is removed in the LBRO proposals. Day-to-day enforcement duties will remain with local government.
  - the CTSA was exclusive to trading standards services whereas the LBRO proposal now includes environmental health.

## Recent Developments

5. LACORS has been involved in many discussions and all the work streams of LBRO. Progress has been very slow in some areas. In particular there is still no list or matrix of central government priorities, no clarity on the proposed performance managements plans for local authorities and we are concerned that there has been too much focus on local authority environmental health and trading standards services and little or no focus on national regulators who operate at a local level and the broader problems of poor legislation.
6. There is still no clarity as to whether LBRO will actually include areas of local authority regulatory services like animal health and welfare, private sector housing or licensing . It is understood that it will not cover town planning, building control, street scene enforcement or emergency planning.

### **Partnership with local government**

7. LBRO needs to work in partnership with local government and LACORS. LBRO needs to understand that local decision making , local priorities and the engagement of local elected members is crucial. If regulator services are seen as simply a delivery agent for central government with no local dimension, then it is quite possible that local political support for these services will be lost.

### **Priorities and Performance**

#### **Home Authority**

8. We have serious questions as to what level of involvement LBRO intends to have in relation to Home Authority work. Our survey showed that business were generally very happy with the Home Authority Principle and whilst accepting some improvements need to be made, but recognising it is currently a completely voluntary and unfunded arrangement that actually works remarkably well. LACORS has HAP as a key priority and recently updated and improved its advice, got broader business representation on the steering group and has dealt effectively with two recent problems that have arisen between local authorities. LBRO want to impose national minimum standards, which is clearly acceptable in principle, but currently HAP is not funded, it is entirely voluntary so imposition of minimum standards will require funding to follow.
9. LBRO need to understand that there are certain drivers (primarily from the EC) to undertake non risk based market surveillance activities (in the field of metrology, product safety and animal health in particular) and this does not fit with the LBRO agenda, yet local authorities constantly suffer criticisms for doing insufficient activity in these areas.
10. Whilst LACORS is not convinced that there is a compelling case for the establishment of an LBRO, we will, on behalf of local government, work with the DTI to influence what it will look like and try to ensure it adds value and not unnecessary bureaucracy to local government regulatory services. To date LACORS key lobbying points have been as follows:-
  - (i) environmental health and trading standards services are best delivered locally by local authorities and that there should be greater clarity as to the scope of the services to be covered by LBRO and that consideration to including other important services such as town planning, building control and emergency planning and street scene services. Importantly, there is a need to ensure an equal focus on the activities of central government regulators as well as local authorities. Issues of consistency are as relevant to local authorities as they are for central government regulators. We are concerned that

what was the Local Better Regulation Office is now the Local **Authority** Better Regulation Office.

- (ii) whilst some local authority regulatory services need to improve, we need evidence (and LACORS is helping to gather this) to determine:-
- What good quality regulatory service looks and feels like
  - How and what we need to measure that reflects good quality service, that is both quantitative and qualitative and focuses on outcomes
  - Who are delivering to these standards and who are not
  - What the drivers and barriers are for delivering good quality service
  - The contribution these services make to community health and well-being and other key central/local shared priorities
- (iii) there must be proper recognition by government to ensure there is sufficient capacity for local as well as national priorities to be delivered and that they should underpin the central/shared local priorities agreed between central and local government
- (iv) this agenda must be part of the overall local government improvement agenda and the DCLG should be having close dialogue and engagement with the relevant government departments leading this agenda (i.e. Treasury, Cabinet Office (via Better Regulation Executive), DTI, OFT as well as LACORS and the LGA
- (v) a risk based approach by LA regulatory services that focuses enforcement on the businesses who put the public, consumers, workers and the environment at greatest risk should be taken,
- (vi) reducing burdens on businesses should not be at the expense of protecting the public and should be commensurate with reducing burdens on local authority regulatory services
- (vii) Home Authority Principle is the cornerstone consistency in regulatory service delivery, a key criticism by businesses; LBRO should work with LACORS to build on the improvements that are taking place with Home Authority regime and support funding local authorities who carry out this important role either through a reconnection with the business rates or some other mechanism.
- (viii) a recognition that a 'one size fits all' approach is not appropriate, does not work and can hinder innovation in service delivery
- (ix) national and regional regulatory services that deliver services in localities should also meet agreed performance requirements, that reflect local community requirements and that have greater transparency and local accountability frameworks built into them. There is a clear need to ensure that any reporting requirements and performance frameworks and audits replace, rather than add to, existing burdens. The initial proposal is for a local authority regulatory services plan, produced on a 3 yearly cycle requiring local authorities to show how they are devoting resource to priority areas. We have also stressed the need for any future performance management and audit frameworks to dovetail with the broader work going on regarding the future of local government performance

- (x) There also needs to be a wider acceptance that many of the problems encountered now are with poor regulations not poor enforcement and that the solution to flawed or unnecessary legislation is not to criticise local enforcers but to amend or revoke the laws.

### **Implications for Wales**

The application of LBRO in Wales is still unclear. We have consistently stressed the need to engage properly with the devolved administrations and we are aware that the LBRO team have discussed the matters with the Welsh Assembly Government and the WLGA but the outcomes of those discussion are not yet clear. LACORS represent the UK in discussions on LBRO matters.

### **Financial/Resource Implications**

It is too early to comment on the possible financial Implications for local authorities

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