

LACORS' WORK ON RETAINING REGULATORY SERVICES AS LOCAL SERVICES

1. This report outlines the progress to date with the Government's LBRO initiatives and outlines the key lobbying positions that LACORS have taken on behalf of local government. 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 responsible.

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). 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.

3. The essential differences between the previous CTSA proposals (opposed by LGA and LACORS) and the new LBRO proposals are that:

- 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 most environmental health areas.

Key issues

7. Whilst LACORS is not convinced that there is a compelling case for the establishment of 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 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 to determine:

- What good quality regulatory service looks and feels like, and who is and is not delivering*
- How and what we need to measure that reflects good quality service, that is both quantitative and qualitative and focuses on outcomes*
- 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; 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

(vi) the Home Authority Principle is the cornerstone of consistency in regulatory service delivery; LBRO should work with LACORS to build on the improvements that are taking place within the 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.

(vii) a recognition that a 'one size fits all' approach is not appropriate, does not work and can hinder innovation in service delivery

(viii) 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.

(ix) 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.

(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.

(xi) certain drivers (primarily from the EC) to undertake non risk based market surveillance activities and this does not fit with the LBRO agenda, yet councils constantly suffer criticisms for doing insufficient activity in these areas.

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