

## Update on Regulatory Services Issues

### Summary

This report provides an update on recent activities that LACORS has been working on to support councils in their delivery of regulatory services. It also asks the Board for early views on emerging priorities for regulatory services for 2010/11.

### Recommendations

The Board notes the recent activity and receives a 6 monthly update from LACORS on its work.

The Board advises on any early emerging priorities that it feels LACORS should be working on during the rest of 2009/2010 and to inform the business planning process for the LGA Group for 2010/2011.

### Action

LACORS to provide 6 monthly updates to the Board.

LACORS and LGA officers to feed Board members' views on emerging priorities into the business planning process.

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## Update on Regulatory Services Issues

### Background

1. LACORS is part of the LGA group. Its remit is to represent and support local authority regulatory services in the areas of :- environmental health, trading standards, alcohol licensing and gambling control and private sector housing. Its work covers both policy and improvement.
2. This report provides a brief update to the board on recent key activities. LACORS work tends to operate across all the LGA Boards and all the themes in the group business plan. This report contains information relevant to all themes because the Safer Communities Board terms of reference include its responsibility for regulatory activities. Separate reports are provided to other relevant LGA Boards on an issue by issue basis. The report also contains very brief information on work likely to be ongoing into 2010/2011. Clearly the priority given to these will be decided as part of the group business planning process as a whole and those relating specifically to safer communities will need to align with its own broader themes.

### Recent Activities

#### 3. Safer Communities Theme

Much work has focussed on ongoing lobbying of a range of central government departments and agencies to ensure that new policy, legislation and funding initiatives are meeting the needs of the local government sector. We have issued guidance on LAAs, national indicators etc and how the work of regulatory services links into these.

A monthly update is provided to councillors with an interest in regulatory services and we have just updated and re-issued councillor handbooks relating to environmental protection, trading standards and private sector housing.

We are currently supporting a new initiative, following the recent BIS consumer white paper, to improve consumer protection on internet trading. It is recognised that regulating the internet is a complex environment and the Office of Fair Trading are leading a work programme to improve skills and coordinate activity in this area. LACORS are on the cross-governmental delivery group for this.

Work continues on doorstep crime. We have updated all the guidance on our website about the provisions of zones in local communities where people have expressed a desire to limit cold calling. The Trading Standards Institute are currently carrying out

some evaluation work on cold calling control zones and once this is complete LACORS is planning to work with them to develop some core minimum standards to help councils wishing to set up new zones.

We have been working closely with the Home Office on the Safe Social and Responsible Drinking consultation and the implementation of a mandatory Code of Practice for Licensed premises and work continues improving advice and support to councils in dealing with underage sales of alcohol.

Recently LACORS, LGA and HSE launched the joint Health and Safety Statement of Commitment to improve standards of partnership working between HSE and local councils to prevent death, injury and ill health to people at work. This focuses on four commitments: to reduce work related deaths injuries and ill health; to gain widespread recognition of what real health and safety is about; to motivate people to contribute to making workplaces safer and to ensure those who fail to fulfil their duties are held to account. The model of partnership working with HSE is excellent and the LGA group has been fully engaged. Four members of the Safer Communities Board sit on the Local Government Panel within the HSE.

We have been working closely with colleagues in the Safer Communities team within the LGA to respond to recent government consultation on changes to the Regulation of Investigatory Powers Act (RIPA). The government response is expected in the autumn but we anticipate that local councils will remain within the framework but with enhanced requirements for improved scrutiny (which is the direction LGA/LACORS endorsed). CLG are likely to commission LACORS to provide some detailed advice and case studies to local authorities and we are also working with the Home Office on the provision of a range of training or local authorities on the appropriate use of surveillance.

For the last 12 months LACORS has been managing a £2 million project on behalf of DH to improve tobacco control activities. 95% of this money has been disseminated directly to local councils in the form of grants for increased work in underage sales, enforcement of advertising controls and a big focus on reducing the supply of counterfeit and illicit tobacco. A final project report will be available in November and we are currently lobbying DH for a further years funding to continue this work.

Following consultation with member councils last year, LACORS is currently scoping what additional support it could/should provide in relation to taxi licensing and other linked licensing issues.

LACORS has also refocused some of its resource to better support LGA on emergency planning issues and street trading work.

*Looking forward to 2010/11 – Most of this work will be ongoing. In particular there will be continued demands regarding the responsible retailing of alcohol; supporting the HSE Local Government Panel; helping councils to deliver the priorities within the Health and Safety Strategy; implementation of the outcomes of the recent consultation on RIPA and improving councils reputation and skills in this area; ensuring councils can have access to and retain assets from Proceeds of Crime investigations and delivery of an extended tobacco control project should DH agree*

*the requested funding. Also dependent on the outcomes of the scoping work on taxi licensing, LACORS may need to embed support for these services into its core work.*

#### **4. Economy Theme**

Much focus remains on the better regulation agenda. LACORS has some concerns about the working of the Local Better Regulation Office and its overlap and possible duplication of effort with work the LGA Group are doing to support the sector. There has also been a lack of proper engagement with the sector by LBRO in some areas. There is an ongoing challenge from central government and the business sector about “consistency of enforcement” and better regulation principles. Whilst fully supporting this agenda our role is to help councils with what is important to them locally and to resist further central prescription.

We have issued guidance to complement work done by LGA and IDEA on the recession, highlighting areas where regulatory services have a particular role to play in helping businesses and consumers in a recession. This includes business advice services and tackling the types of crime that are likely to increase in hard economic times, counterfeiting; loansharking; food fraud; general rip-off etc. Recent research published by the OFT showed that for every £1 council trading standards services spent on fair trading work, local consumers gained £6 in benefit.

*Looking forward to 2010/11 – Ongoing relationship management with LBRO in the run up to their sunset clause in 2012; providing advice to councils and via various industry sector groups to ensure council environmental health and trading standards take a consistent interpretation of legislation; working with government to produce a tool for regulatory services to measure the impact/outcomes of their work; supporting councils work to help local businesses by providing guidance and a database to help support the home authority principle (where the council where a business is based takes a voluntary lead role on dealing with all enquiries and providing advice to that business relating to food and trading standards); considering if and how to develop this scheme to support health and safety activity if HSE decide to formally close down their “lead authority” partnerships which serve the same purpose.*

#### **5. Culture tourism and Sport theme**

Work continues with the Licensing Act, advice has been issued on the new simpler minor variations process that councils are able to use. We have continued lobbying work with the LGA in relation to the shortfall of licence fees.

LACORS is working with both the Gambling Commission and Security Industry Authority on protocols for joint working.

*Looking forward to 2010/11 – Ongoing work in relation to Licensing Act issue and fees. Also to scope and develop the support that councils’ regulatory services will need from LACORS and the LGA group in the run up to and the hosting of the 2012 Olympics.*

#### **6. Housing Theme**

LACORS has been responding to lots of enquiries from councils following the tower block fire in Southwark.

We are continuing to support local councils with empty homes strategies, improving housing standards and providing training on crowding and space issues within private sector housing.

*Looking forward to 2010/11 – lobbying of CLG to ensure ongoing funding of this support work provided by LACORS for councils as current funding expires 31/3/10.*

## **7. Environment Theme**

LACORS has been lobbying government, providing advice and guidance and recently free training seminar to local authorities on new Environmental Damage Regulations which implement new European laws on environmental liability and build on “the polluter pays” concept.

Further work is ongoing to answer queries and issue guidance to local authorities on land air water and noise pollution issues.

Also following consultation with member councils last year, LACORS is currently scoping what additional support it could/should provide in relation to enviro-crime and streetscene agendas. A report will be put to the LACORS Board in December and this will form part of the LGA Group business planning process. LACORS is also now providing, on behalf of the LGA, coordination for the National Environmental Officers Network which comprises senior officers from local councils with responsibility for all environmental matters.

*Looking forward to 2010/11- ongoing work to support councils in their enforcement of all types of pollution and noise legislation and enhancing its links to the climate change agenda. In particular work needs to be done in sharing information and creating a stakeholder network for enforcers involved in contaminated land. Also dependent on the outcomes of the scoping work on envirocrime – LACORS may need to embed support for these services into its core work.*

## **8. Children and Young Persons and Adult Social care and Well being Theme**

We are working closely with member councils and the FSA to support work to tackle obesity in children and across the broader population. We jointly support the Food Vision website which provides lots of case studies and best practice ideas for local initiatives to help support this work.

We are also just about to complete some work with 4 regional groups of trading standards services, DCMS and DCSF on extent to which children are able to buy or access unsuitable video games. Unfortunately just as this project was coming to fruition, the government have advised us that the Video Recordings Act (which is the law designed to control the underage sales of such games) is unenforceable due to a failure within government 25 years ago to go through appropriate notification channels within the EC.

As outlined, work reducing health inequalities through tobacco control is ongoing. Of the 10 “high impact changes” to help reduce health inequalities caused by tobacco, 6 are regulatory related. We have also just updated a re-issued guidance for councils on the enforcement of smokefree legislation. This has been a big success story with very high levels of compliance. However there are pocket problem areas, such as student accommodation, workplace transport and large events and using the DB funding, LACORS is managing several projects being carried out by member councils on tackling these issues. there will be a free conference early in the new year for all councils to learn from these projects.

*Looking forward to 2010/11- implementation of voluntary calorie labelling and health mark schemes with the FSA to improve information about nutrition, supporting councils in the implementation of new mandatory food labelling legislation; and delivery of an extended tobacco control project should DH agree the requested funding.*

## **9. Workforce**

We are working with the professional bodies (Trading Standards Institute and Chartered Institute of Environmental Health) to try and improve flexible choices for regulatory services qualifications.

LBRO are leading on the development of a range of competency frameworks and there is a momentum within central government for these to be made mandatory. We are lobbying hard to ensure that if there are any statutory requirements they are flexible and workable from an employer’s perspective.

We have also commissioned a focussed leadership programme for regulatory services with KBA solutions (who work primarily with Warwick Business School). This builds on programmes they already provide for the local government sector. We are now on the third tranche of these courses and feedback from participants has been very good.

*Looking forward to 2010/2011 - All workforce issues are worked on in close liaison with IDEA and we are hoping to pull together all of these issues into an overarching workforce strategy for regulatory services.*

## **10. Financial Implications**

All of the above work is carried out within existing LACORS budgets or using resource drawn in from central government to support specific programmes. Clearly any changes to policy areas or refocus of activities will be done as part of the LGA group business planning cycle.

## **11. Implications for Wales**

All of the above work applies to Wales as well as England, with the exception of the Private Sector Housing Work. This is grant funded by CLG until March 2010 and applies to England only.

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