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Update on Regulatory Services

Purpose of report

For Information.

Summary

This report is for information and contains some key information about regulatory services issues that are of interest to the Safer and Stronger Communities Programme Board.

Recommendation

That the Board note the activities outlined.

Action

Officers to progress as appropriate.

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Update on Regulatory Services

Background

1. Local Government (LG) Regulation has been asked to provide the Board with an update of key regulatory services issues at each Board meeting. These items are for noting only, but LG regulation staff will be happy to answer any questions.

2. The Key Issues

2.1 BIS review of the Local Better Regulation Office (LBRO)

Following extensive lobbying across the LG Group, we were successful in getting LBRO added to the list of “partner” organisations being reviewed by BIS, instead of waiting for the statutory review in October 2011.

The LG Group has developed a proposition for BIS to consider which we believe is a better use of the current public money that is provided to LG Regulation (£2.18 million) and the LBRO (£4.4 million). We believe only a small number of the functions of LBRO are statutory and these should be delivered within the Better Regulation Executive. The vast majority of LBRO current spend is in our view not “statutory”. We believe savings of circa £2 million per annum could be made and if the additional £2 million per annum were pooled with LG Regulation funding, we could continue to support council regulatory services, provide extra services to ensure that business needs are better recognised and administer the government primary authority scheme.

There have been a range of meetings with political and senior officers across the group to discuss this issue with BIS and we understand recommendations will be put to Ministers at the end of September.

2.2 BIS Landscape Review – Regionalisation of Environmental Health and Trading Standards Services and Consumer Direct

We have seen a confidential draft of the above report and are pleased that it supports the LG Group position that services should not be removed from local government and that best models of service delivery need to be developed locally, rather than imposed from the centre. This report also covered issues such as the future provision of Consumer Direct. Currently this is managed by the OFT but contracts for call centres are in place with groups of councils

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throughout the UK. Current contractual arrangements were due to come to an end during 2010/11 and OFT have tendered for a new provider. However, since the election, this process has been delayed as the Cabinet Office have yet to agree funding. If they decide to withdraw the funding, there will consequently be no consumer advice provision provided by government. Most councils completely reconfigured their services 6 years ago when the Government took the function into Consumer Direct. The ability for councils to unpick this, particularly with the current tight financial climate, would be almost impossible to bear.

2.3 Lord Young's review of Health and Safety

The government commissioned Lord Young to do a review of health and safety laws. The report is expected shortly and we plan to bring a substantive item to the October Safer Communities Board meeting to discuss the implications of it for councils.

2.4 Joint working with the Gangmasters Licensing Authority (GLA)

LG Regulation is currently in discussions with the GLA regarding the development of a Memorandum of Understanding (MOU) to facilitate better information sharing and enforcement activity. The GLA has recently recruited a number of new staff as community enforcement officers to liaise with councils, generally targeting areas where there are high levels of GLA activity. The GLA would like to see councils in these "hot spot" areas to be the first to sign up to the MoU.

2.5 E Coli outbreak on Godstone Children's Farm

On 15 June a report was published by the HPA Independent Investigation Committee, Chaired by Professor George Griffin, which analysed the events of an E.coli 0157 outbreak on Godstone Farm, in the summer of 2009. The report, to which LG Regulation contributed, made recommendations to reduce the risk of those who visit Open Farms contracting E. coli O157 and to improve the health protection response to future outbreaks of this infection. LG Regulation will represent councils in taking forward this work with HSE and others, so that any changes to current arrangements reflect the principles of better regulation and the need for public safety and protection. We are also running an event for councils on this subject on 18 November 2010.

2.6 RIPA (Regulation of Investigatory Powers Act)

The Government is currently doing a further review of RIPA. They are looking at options that would require councils to get Magistrates' Orders before

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undertaking surveillance authenticity or obtaining communications data and also possibly restricting it to the use in “serious criminal offences”. As yet we are not clear how they will define serious crime but, whilst accepting the political desire to exclude the use of surveillance for offences such as dog fouling and street littering, we also want to ensure it does not adversely affect councils’ ability to deal with commercial flytipping, serious food fraud, rogue trading, illegal moneylending etc.

2.7 Taxi Licensing

A councillors’ guide to taxi and Private Hire Vehicle licensing will be issued in September, which aims to act as a starting point for councillors to understand some of the key issues within this area of business regulation and includes a number of case studies from local councils to illustrate their involvement.

Council representatives from each region in England and Wales have reviewed current practice within the sector on licence conditions and how criminal convictions are considered. The results of this will be formatted into a table of minimum conditions which should be used as guidance for councils to adapt their policies with the view to moving towards a consistent standard of service and safety.

LG Regulation will also be producing a presentation for training local police to be used by licensing departments to explain taxi licensing officers’ powers and encourage joint operations with the police.

3. Financial Implications

None for the purposes of this report.