

## **Update on Regulatory Service Issues**

### **Purpose of report**

For information.

### **Summary**

This report provides an update on LGA policy work and developments affecting regulatory services that will be of interest to the Safer and Stronger Communities Board.

### **Recommendation**

That the Board notes the activities outlined.

### **Action**

Officers to progress as appropriate.

### **Contact officer:**

Gwyneth Rogers

### **Position:**

Senior Adviser (Regulation), LGA

### **Phone no:**

020 7664 3861

### **E-mail:**

[gwyneth.rogers@local.gov.uk](mailto:gwyneth.rogers@local.gov.uk)

## **Update on Regulatory Service Issues**

### **Better Regulation**

#### Roundtable on supporting businesses and protecting consumers

1. Carolyn Downs, LGA Chief Executive, has hosted a successful roundtable event with national regulatory partners and professional bodies to provide engagement at a strategic level about regulatory services. The meeting created the opportunity to increase awareness of local government priorities, identify common aims and generate the potential to work more closely together in the future to ensure regulatory services can continue to support businesses and protect communities.

#### Enterprise and Regulatory Reform Bill

2. The Queen's Speech announced a new Enterprise and Regulatory Reform (ERR) Bill to reduce burdens on business by repealing unnecessary state legislation and limiting state inspection of businesses. The Bill includes proposals to extend the Primary Authority scheme.
3. Cllr Canver attended the ERR Bill Committee on behalf of the LGA. Evidence presented by Cllr Canver recognised the value of Primary Authority to both businesses and councils as one of a range of options that can be used at a local level to support businesses by reducing red tape, target resource and promote consistent enforcement.
4. However, Cllr Canver also expressed concern that it is not appropriate for central government to intervene in these local partnerships by directing councils to follow inspection plans. Central direction will reduce innovation and introduce a layer of bureaucracy for both primary authorities and enforcing authorities that fails to accommodate local circumstances and the judgement of competent enforcement officers. The LGA believes it is far too early to make wholesale legislative changes to Primary Authority and further work needs to be undertaken to make inspection plans useful for enforcing authorities.

#### Protection of Freedoms Act

5. The LGA successfully secured Government support in order to overturn an amendment to the Freedoms Act which would have required environmental health and trading standards officers to seek a warrant through the courts to carry out basic inspections, unless given permission to enter by the business owner. If passed it would have meant an end to on-the-spot-inspections and delays before council officers could respond to complaints made by residents.

**Item 4**

6. The Freedoms Act will still require that each Government department review existing powers of access for enforcement officers. The LGA are in the process of preparing a consistent approach to these reviews, to be backed by statistics from councils.

LGA respond to BIS consultation on modernising consumer law and enforcement powers

7. The LGA welcomes the long over due steps being taken by the Department for Business, Innovation and Skills (BIS) to update consumer law and enforcement powers. Our response to the Government consultation emphasises that councils use their enforcement powers in a transparent and accountable manner, which is overseen by elected members. While the BIS proposals include important exemptions about providing advance notification to businesses for inspections, the LGA do remain concerned that the current recommendations have the potential to stifle innovation and limit flexible use of resource. We are working directly with BIS to address these issues.

Communications Data Bill

8. The Communications Data Bill aims to introduce safeguards and restrictions on those bodies able to access communications data held by telecommunications providers. The Bill will replace elements of Regulation of Investigatory Powers Act (RIPA) legislation which entitled councils to access communications data. It supplements the Protection of Freedoms Act 2012 which limited council access to this data to occasions that had been authorised by a magistrates' court.
9. The LGA has been informed that we will be invited to give evidence at the Bill Committee once it is established. We propose outlining the continuing need for councils to access this data if they are to tackle rogue and unregistered traders, but expressing our support for the proposed safeguards.

**Alcohol and events licensing**

Deregulation of Regulated Entertainment

10. The Department for Culture, Media and Sport (DCMS) has not yet published the consultation response to their proposals to deregulate events with fewer than 5000 attendees. However, the Live Music Act will commence in October 2012 and deregulates music events with less than 200 attendees. The LGA will be working with DCMS to ensure any guidance is practical and realistic.

Consultation on Tackling Late Night Drinking

11. The LGA has responded to the Government consultation on the new Late Night Levy for clubs and bars to stress that it must adequately compensate

**Item 4**

councils for keeping nightlife hotspots clean and safe. We have emphasised that each council must be able to determine how their portion of the Levy can be spent to effectively target local issues and work innovatively with partners as problems associated with late night drinking continue to evolve.

Community Events, Jubilee and Olympics

12. The LGA has been working to recognise and share the innovative and new ways of working that councils have developed to support community events, as part of the Royal Wedding, Diamond Jubilee, and 2012 Games. The LGA has published a Councillor Handbook to draw together the different approaches taken by councils and inspire areas to go still further and consider maintaining support for community events on an ongoing basis.
13. A companion 'how to' guide for events organisers has also been published in conjunction with DCLG, Cabinet Office, Streets Alive, The Big Lunch, and Volunteering England. These publications are part of a wider campaign to showcase how councils are simplifying processes and supporting safe activities.

**Licensing**

Helping councils respond to resident and business concerns about 'chuggers'

14. The LGA convened a roundtable with council and charity representatives to build on the findings of a recent LGA survey that showed two out of three councils have received complaints about how face-to-face fundraisers operate in their areas and there was a clear need for more up to date powers to enable councils to tackle this issue. Chaired by LGA Vice-Chair Cllr Gerald Vernon-Jackson, and attended by Lord Hodgson, the chair of the Charities Act 2006 review, the discussion explored existing methods of regulation and voluntary control, the problems reported to councils and the most effective way of responding to issues.
15. The roundtable concluded with an agreement that councils should be able to licence street fundraisers, with conditions placed on: numbers of people collecting; frequency of collections; locations; and times when collection was permitted. In recognition that amended legislation will take time to deliver, representatives agreed that the LGA and Public Fundraising Regulatory Association should develop a strategic relationship on behalf of their respective memberships and develop a national agreement that can be used by councils to voluntarily regulate local fundraising.

Taxi Licensing

16. The LGA will be collating council views on the Law Commission's proposals to amend licensing laws for taxis and private hire vehicles. Initial feedback from

**Item 4**

licensing authorities, including Transport for London, suggests that councils welcome the review and the majority of the proposals. Councils do wish to retain the ability to set local conditions above and beyond a national minimum standard and the LGA will be presenting the case for this in our response on 10 September.

Dangerous dogs

17. The LGA response to the Government consultation on dangerous dogs welcomes the opportunity to update law aimed at tackling dangerous dogs with the aim of reducing the widespread fear felt by many residents about dogs and dog owners in their local area. However, the LGA also stresses that proposals to introduce compulsory microchipping of dogs will not resolve issues associated with dangerous dogs and that expresses concern that Government has failed to work effectively with delivery partners to develop a holistic and sustainable approach to halt the rising tide of dog attacks.