

## **Update on regulatory services 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.

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## **Update on regulatory services issues**

### **Better regulation**

#### Regulatory services peer challenge launched

1. The LGA peer challenge for Regulatory Services was launched in October 2012. It has evolved into a flexible model that helps councils examine whether their service can meet the challenges of the future.
2. Environmental health, trading standards and licensing services are intrinsically linked to local economic growth, public health and community safety. Our 'future focused' approach considers how regulatory services can deliver the best outcomes for their communities in across all of these areas in very difficult financial times, including options for other delivery models such as shared services.
3. The LGA currently have a limited number of challenges available at no cost to the council to trial this new approach.

#### Councillor training module

4. A 30 minute training e-module is being developed to help councillors better understand the regulatory services they oversee, and how to shape and use them to best meet the needs of residents. The LGA has contracted the organisation Learning Pool to deliver this training. The module is scheduled to launch at the Licensing Conference on 5 February 2013.
5. A working group has been established to assist with the design, comprising officers and councillors from around the country. The group has identified the need to relate regulatory services to both strategic corporate priorities and ward level issues.

#### RIPA and surveillance

6. New regulations concerning council use of surveillance techniques under RIPA will come into force on 1 November. The Home Office has issued guidance to councils on the new process, which includes obtaining a magistrates warrant before authorisation and a limit to using it for offences with a jail sentence of 6 months or more. This means councils will no longer be able to use surveillance for offences such as littering and dog fouling; a use that the LGA feels was inappropriate.
7. An article will appear in First magazine to alert councils of the changes and encourage them to be more transparent over the results of surveillance use.

#### Communications Data Bill

8. As the Communications Data Bill approaches the end of the scrutiny stage, Councillor Khan has written to James Brokenshire MP, as Parliamentary Under Secretary for

Crime and Security, and all members of the Bill Committee to stress the importance of retaining existing powers for councils and fire authorities in primary legislation.

9. In practice, although these powers are used sparingly, and constitute just 0.3% of all requests for communications data, there are a number of valid and important reasons as to why it would be beneficial for councils and FRAs to retain these powers. Councils and FRAs believe that their access to these powers is vital to effectively tackling benefit fraudsters, investigating hoax/malicious calls to the fire service, and helping to protect our communities from criminal activity such as unscrupulous traders and loan sharks.

#### Primary Authority

10. The LGA has responded to concerns from members about the proposed introduction of compulsory inspection plans for Primary Authority by preparing an amendment to the Enterprise and Regulatory Reform Bill that will be put forward before the end of year as the Bill passes through the House of Lords.
11. The LGA has also been working with the FSMC about the proposed expansion of Primary Authority to Fire and Rescue Authorities. As a result, the LGA supported CFOA on the development of a voluntary scheme, which aims to minimise burdens for FRAs and recognise the importance of local risk assessment. Government has now proposed running a voluntary and statutory pilot scheme side by side over 6 months, with both schemes up and running by December. The LGA will be closely involved in shaping these as they will inform future policy.

#### **Licensing**

##### Street fundraising

12. The national agreement with the PFRA has been agreed and will be launched at the Safer Communities Conference on 28 November. Both the LGA and PFRA will be undertaking media work around this launch, including coverage in First magazine and regional press.
13. A response has been sent to the Minister for Civil Society welcoming Lord Hodgson's recommendation for a clarified and strengthened licensing system. A similar message was sent to PASC as they investigate the recommendations. The PFRA gave evidence to the committee on 23 October and emphasised their new focus on working with councils and the LGA.
14. The Hodgson report also recommended the abolition of national exemption orders, which affect the collection practices of 43 national charities. The LGA is being approached for support by these organisations and a position statement is being developed with the support of Councillor Canver.

Late-night levy and emros

15. These new powers under the Licensing Act will commence on 31 October following debate at Grand Committee. The LGA has redeveloped its best practice framework for licensing statements to help councils update their policies to reflect the legal changes. The LGA has also been involved in developing guidance for using these powers and will support the dissemination to councils. The LGA is aware of around a dozen councils that are looking to make use of the new powers.