

Regulatory services update

Purpose

For information.

Summary

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

Recommendation

That the Board notes the activities outlined.

Action

Officers to progress as directed

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***Open for Business* implementation**

1. On licensing, we intend to publish a broad set of proposals for licensing reform at our annual licensing conference on 4 February. A more detailed update is provided in a separate paper.
2. We intend using around £45k legacy funding¹ to support a small number of projects exploring how councils can implement *Open for Business* and ensure sustainable services in the context of reduced funding. The projects will:
 - 2.1. Pilot a one-stop shop business advisory service pulling together advisory functions from environmental health, planning, building control and business rates services, with account managers assigned to support businesses in working with regulatory functions.
 - 2.2. Pilot an assured advice service for businesses navigating regulatory services.
 - 2.3. Explore the opportunities for neighbouring authorities to collaborate on regulatory services outside of a shared service model.
 - 2.4. Develop risk-based approaches for reactive work undertaken by regulatory services.

The objective of the projects is to develop evidence and materials that will support other councils in addressing similar challenges. A more detailed overview of this work will be provided at a future board meeting.

3. We have commissioned a short piece of work by an independent employment consultant exploring the possibilities for regulatory services officers of the future. The objective of the work is to examine possible directions for the development of the future roles and skills of regulatory services officers in the context of reduced funding, service reorganisation and *Open for Business*, and the implications for professional bodies, councils and officers. The work is expected to be complete by March / April. Again, a more detailed update will be provided as the work progresses.

Consumer Rights Draft Bill

4. The BIS Select Committee has published its report into the Draft Consumer Rights Bill. Councillor Khan and Councillor Worth previously wrote to the Chair of the BIS Committee expressing concern that the draft Bill, which includes measures requiring advance notification of business inspection visits, will restrict trading standards ability to make unannounced inspections of high risk premises, or where there is evidence of a local or national risk linked to a certain business type rather than to a specific business premise. LGA officers subsequently met with Ann McKechin MP to discuss the issue.
5. The committee's report supports the concerns raised by the LGA and TSI, arguing that the Draft Bill risks introducing '*unnecessary and undesirable uncertainty...[and] placing an undue burden on enforcers which could decrease protection for consumers and*

¹ Funding was originally provided to LACORS for the purpose of regulatory services peer reviews.

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compliant businesses.' It has recommended that government redraft the relevant exemption to the requirement to give advance notice of a visit.

6. We will be liaising with TSI and our public affairs team to consider the most effective approach to further lobbying on this issue.

Defra consultation on plastic bag charges

7. The Regulatory Services team worked with the Environment and Housing team to respond to Defra's consultation on the proposal to implement a 5p charge on all single use plastic carrier bags. The regulatory services interest arose from the proposal that trading standards teams should be responsible for enforcing the charge.
8. The response outlined support for the charge, but queried whether it was appropriate for trading standards to enforce the charge in the context of diminishing resources and the need to focus on issues of serious consumer detriment. We proposed primary authority partnerships as an alternative mechanism for addressing potential compliance issues. We also proposed that revenue generated from the charge should be used by retailers to support local environmental projects, and that retailers should be required to publicise how revenue had been spent locally.

Elliot review

9. The interim report of the Elliot review into the integrity and assurance of food supply networks was published in early December. The report is broadly positive about the role of councils, and does not call for changes in their responsibilities. However, it concludes that councils are struggling to maintain activity in this area, and that there are already shortfalls in LA regulatory activity which will need addressing in the context of more attention needing to be paid to food integrity as well as food hygiene. The report is silent on how this should be addressed, but calls for more coordination between councils and the FSA on all food hygiene / standards activity, for the development of a model for the coordination of LA activity on high profile investigations and for the FSA to take the lead role on food crime.
10. The final report is expected in Spring 2014, following a period of consultation on the proposals in the interim report.

All Party Parliamentary Group activity on regulatory services

11. The LGA's role as the national voice on council regulatory services has been recognised through invitations to provide evidence at two forthcoming APPG sessions:
 - 11.1. The All Party Parliamentary Group on Consumer Affairs and Trading Standards session on 4 February looking at the impact of cuts on trading standards services. The session is entitled '*A call for evidence: who is still protecting the public from rogue traders, scammers and fraudsters? The current work and composition of trading standards around the country.*'
 - 11.2. The All Party Parliamentary Group on Alcohol Misuse meeting on licensing 12 February. The session will be looking at the practical implementation of alcohol

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licensing regulation and the opportunities and challenges for local authorities and communities.

12. Representatives from the All Party Parliamentary Group on Skin also met with LGA officers to discuss the regulation and licensing of sunbeds. Evidence from this is being incorporated into the licensing reform proposals.