

13 September 2011

**Item 3**

**Appendix C**

## **Draft Response to the Transforming the regulatory Enforcement: Freeing up Business Growth consultation**

### **Introduction**

1. The Local Government Group (LG Group) is a voluntary membership body and our 422 member authorities cover every part of England and Wales. We work to promote, support and improve local government. This LG Group response has been drafted with input from the LG Groups Stronger and Safer Communities Board. The response also draws on views put forward by chief officers on the Environmental Health and Trading Standards Policy Forum.

### **General comments**

2. The key questions posed in this consultation are mainly aimed at businesses. Our response therefore has instead focused on the main themes rather than providing responses to the all the individual questions posed.
3. The LG Group agrees with the intention that regulatory activity should be governed by simple principles that ensure it operates fairly and proportionately. The principles outlined in the consultation generally appear to be reasonable ones to be working from. Greater transparency for example for business is important in establishing what businesses have to do and in allowing them to plan to meet their obligations. Similarly providing greater accountability in regulatory enforcement is important. Seeking the views of businesses about how regulatory enforcement can be improved is important in making enforcement more efficient and effective and less of a burden on businesses. However accountability for regulatory enforcement extends beyond the business sector to the public and communities as a whole. The experiences and views of other businesses, charitable organisations, other bodies, and the public all need to be taken into account when developing the enforcement regime to ensure that differing interests are balanced.
4. Putting in place incentives for businesses to invest in good practice is important as a means of lowering the costs to them and local authorities of enforcing regulations. Recognition of businesses own efforts to comply with regulations is part of this, but set alongside this must be an acceptance on the part of business that there can be patchy compliance with their own corporate enforcement regimes. Such regimes should ensure that under-age sales of alcohol and tobacco are minimal, yet they still occur due to the actions of individual members of staff, lack of training and a number of other factors. Ensuring that those businesses working hard to ensure they comply with their responsibilities are recognised for their work requires a close working relationship with local regulatory enforcement, and doing so will enable councils to concentrate their work on those who flout the rules for a

13 September 2011

**Item 3**

**Appendix C**

competitive advantage or pose a serious risk to staff or members of the public.

5. The LG Group has reservations about the extending the remit of the primary authority scheme, in particular the impact this could have on councils' and their partners' ability to tackle crime and disorder issues in their area. More detail is provided in the LG group response to the consultation on the future of the LBRO and the primary authority scheme.