

## **Regulatory services update**

### **Purpose**

For information and direction.

### **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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## **Regulatory services update**

### **Betting Commission / gambling licensing**

1. Officers have been engaging with the Association of British Bookmakers and the major five high street betting shops in relation to a draft framework for local partnership and engagement, which will be put to the final meeting of the Betting Commission on 17 September. Following that meeting, a further meeting of the councillor members of the Commission will take place in October to discuss other possibly activity, and steer the revision of the Gambling Handbook, which will be launched following the conclusion of a number of current relevant consultations by Government and the Gambling Commission.
2. Government is currently consulting on the creation of a separate planning use class for betting and payday loan shops, as part of a much broader, technical planning consultation. This is a change that the LGA has broadly welcomed, as it would require firms seeking to open betting shops in new premises to apply for planning permission; a council would be able to refuse such applications if they had relevant planning grounds to do so. However, the LGA has also warned that even following this change, a firm wishing to open a betting shop in a premise that was previously a betting shop would not have to seek planning permission, meaning that it would not do much to tackle existing problems of clustering.
3. Since many LGA members are looking for tools that enable them to tackle existing clustering, our response is likely to argue that the government must go further and give councils powers to consider all new applications for premises. We have sought a steer from lead members on the appropriate mechanism for doing this, in order to feed into the consultation response being developed by colleagues in the Environment and Housing, Economy and Transport Board. A verbal update will be provided at the meeting.

### **Reducing the strength style licensing schemes**

4. Officers met with representatives of the alcohol industry and the Competition and Markets Authority in August to discuss the increasing use by councils of 'Reducing the Strength' schemes. This approach, which originated in Ipswich, seeks to work with local alcohol retailers on a voluntary basis to remove certain types of high strength alcohol from the shelves to help reduce street drinking and associated anti-social behaviour. A number of trade associations – principally the British Beer and Pub Association, Wine and Spirits Trade Association, National Cider Makers and Association of Convenience Stores – had raised concern that this type of approach breached the Competition Act, and had written to council chief executives to highlight this issue.
5. This was a very helpful meeting in which the CMA provided a very clear view from which we can all move forward. The CMA advised that there was no risk that councils will breach the Competition Act if they introduced these schemes. There are risks to individual businesses, which could find themselves in breach of the Act if they discuss their intention to participate in the scheme (ie, their intention to remove a product from the shelves) with other businesses; however, it was felt that these could be managed relatively easily, for example through ensuring that councils are aware of the risk and do not put businesses at risk through holding joint meetings at which retailers say what they are intending to do.

6. The LGA's public health team has commissioned guidance on this type of approach, and we will ensure that this issue is covered in the guidance.

#### **Joint working with Public Health England**

7. Officers are currently engaged in a number of pieces of work with officials from Public Health England, including:
  - 7.1. Running training events on using public health data in licensing, and, for Directors of Public Health, on public health and licensing more generally. We are also proposing that the LGA should joint badge PHE guidance for DPHs on licensing.
  - 7.2. We are also supporting a joint survey with PHE of licensing committee members to try to gauge the current level of public health involvement in licensing considerations and decisions.
8. Additionally, Councillor Page will be speaking at the PHE annual conference on Tuesday 16 September on the themes of engaging with politicians and how public health officials can become more involved in the licensing process.
9. We have commissioned a short survey of trading standards officers relating to their work on illicit alcohol and tobacco, in support of a joint industry-government taskforce dedicated to identifying the scale of the problem and to maximising our enforcement abilities against it. This work links closely to the LGA's call in 100 days for 20% of existing alcohol and tobacco duty to be reinvested into local preventative measures and efforts to tackle the trade in these goods.

#### **Trading Standards**

10. Councillor Sophie Linden represented the LGA at a Which? / National Audit Office roundtable on the subject of the consumer protection landscape reforms. In June 2011, the National Audit Office reported on the system for enforcing consumer law and the Government subsequently made a series of reforms to the consumer landscape, which led to the creation of the CMA in April 2014, and which the work of the National Trading Standards Board forms part of. The NAO will be publishing a full follow-up report in 2015, with the work expected to start end 2014/early 2015.

#### **Elliot Review**

11. The long-awaited final report of the Elliot review into the integrity and assurance of food supply networks, set up following the horsemeat crisis, was published on Thursday 4 September. The report built on the earlier interim report (published in December 2013) rather than outlining new recommendations. It commended councils for the work they do in this area, recognising that '*enforcement activity is very vulnerable when local authority services are cut to the bone.*' (Elliot review, para 72). One of the recommendations for councils, alongside others in this area, was to explore the use of 'earned recognition' for businesses, to help target limited resources towards businesses that are likely to be non-compliant, and to share information more effectively across regulators, both of which we support. Officials are also involved in discussions with the FSA and council officers about taking forward some of the recommendations relating to intelligence sharing on food crime.