

**LBRO Draft Strategy  
2008-2011:  
Summary of consultation  
responses**

June 2008

## 1. INTRODUCTION

This report provides a summary of the main issues raised during the consultation on the LBRO draft strategy 2008-2011. We would like to thank all those who took the time to provide comment and views on the draft strategy.

LBRO released its first draft strategy for consultation in January 2008, distributing over 1200 printed copies to a wide range of stakeholders, including local authorities, business and consumer groups, professional and representative bodies, national regulators, policy departments, and other bodies involved in local regulation. A list of respondents is provided in Annex 1.

In addition to inviting written responses to the consultation draft, LBRO hosted a series of consultation workshops in London and Birmingham. Four separate workshops were held for business representatives, consumer groups, national regulators and local authorities and professional bodies, with good attendance. Comment and feedback received through these workshops has been incorporated and a list of workshop attendees is provided in Annex 2.

The consultation closed on 14 March 2008, by which time it had generated a significant number of responses, with feedback from most of LBRO's key stakeholder groups through workshop attendance, formal written responses and broader submissions. A breakdown of formal written responses received is shown below in Figure 1.

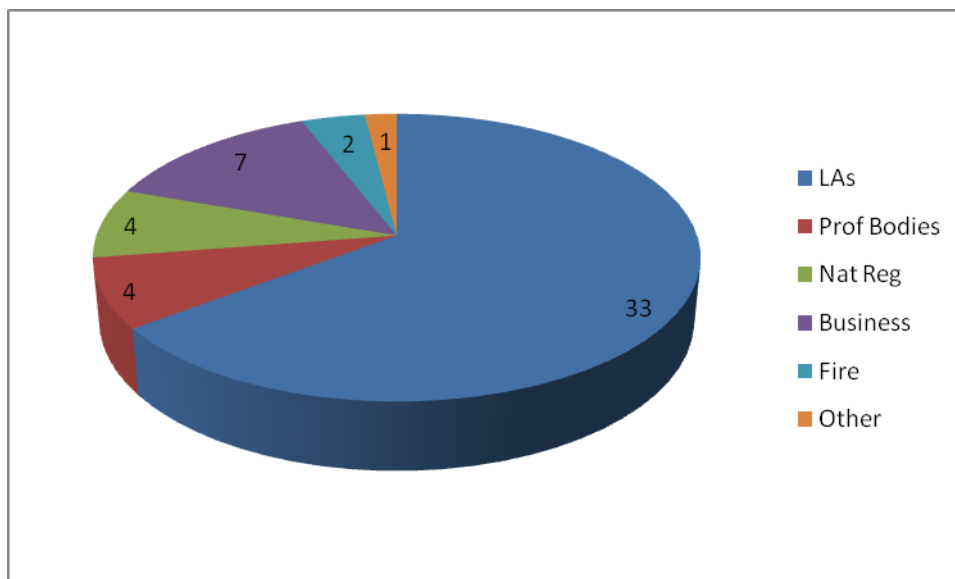


Figure 1: consultation responses breakdown by respondent type (base 51 responses)

## 2. OVERVIEW OF RESPONSES

The overall consensus of views from those who responded was generally supportive of the strategy. These can be summarised as follows:

- The draft strategy enjoyed wide-ranging support, particularly from businesses and professional bodies. Local authorities were generally supportive of the concepts and broad themes, but wanted more detail about planned activity.
- In general, respondents did not challenge the fundamental elements of the strategy - the outcomes sought, the mission and the strategic objectives.
- There was a difference of opinion expressed about the powers LBRO needs. A minority of respondents felt that LBRO does not require statutory powers, others said that the proposed powers were insufficient.

## 3. RESPONSE BY QUESTION

The consultation asked respondents to respond to three questions. A summary of these responses are given below:

### 1. Do you share our understanding of the problems facing local regulation and local authority regulatory services?

- There was general agreement on the problems facing local authority regulatory services but some concern, especially from local authorities, that more robust evidence was needed before LBRO began its programme of work.

### 2. Will the three objectives we intend to focus on effectively deliver LBRO's mission to secure the effective performance of local authority regulatory services in accordance with the better regulation principles?

- There was broad support for the three strategic objectives. Although some respondents reserved judgement as to whether meeting the objectives would enable LBRO to achieve its mission until they knew more about LBRO's operational activity. Some respondents were unclear about the distinction between the first and third strategic objectives, and one respondent felt that LBRO could deliver its objectives without delivering its mission due to the number of external factors affecting the performance of local authority regulatory services.

### 3. Are the activities outlined under the core objectives sufficient to achieve that mission and contribute towards improving economic prosperity and community wellbeing?

- The majority of respondents sought additional information on our planned activities before commenting on whether they would achieve the mission and contribute towards improving high-level outcomes.

## 4. RESPONSE BY ISSUE

This section is divided into two sections. The first section considers the main issues raised, including the Primary Authority scheme, prioritisation and resourcing. The second section considers other significant concerns.

### Main Issues

#### 4.1 Consumer and public protection

Issue: Some respondents felt that although LBRO had clearly set out how it would benefit business, it could better articulate what it would deliver for consumers and how it would help protect the public.

Our response: LBRO accepts that there is a need to more clearly explain how its activity will benefit consumers. Better local regulation is about providing services which are better not only for businesses but also for consumers, workers and the environment. It will lead to increased economic prosperity and enhanced community wellbeing. The final version of the strategy will address these non-business benefits.

#### 4.2 Evidence base

Issue: Several respondents called for LBRO to provide more robust evidence of the need for improvement in local authority services, including greater scrutiny of the claims made by business about the failings of local regulation.

Our response: LBRO acknowledges that the currently available evidence is incomplete and is carrying out research to provide a more complete picture of the state of local regulation. It will use this data both to inform its strategic and operational approach and to measure change. Projects already underway include an investigation of factors influencing local regulation and a national survey of business and consumer satisfaction with local authority regulatory services.

#### 4.3 Inconsistency

Issue: There was a particular call for more evidence of claims of inconsistency and further analysis of the impact of inconsistency. Local authority respondents mentioned that in some circumstances consistency can stifle innovation and fail to reflect local differences.

Our response: As already noted, LBRO will publish more information about the scale and scope of the challenges facing local authority regulatory services. It will also carry out further analysis of the impact of inconsistency, especially inconsistent interpretation of legal responsibilities and those situations in which local authorities respond to local need.

In particular, LBRO will be working with local authorities to examine how the national enforcement priorities have been reflected in local service plans – research that will reveal the practical steps that councils take to ensure national and local priorities are properly integrated.

#### **4.4 Primary Authority**

Issue: Those responding on behalf of businesses were generally very supportive of the Primary Authority scheme and the scope of LBRO's role. Some of the council responses expressed concern about the capacity of local authorities to engage in primary authority partnerships, with particular reservations about powers of nomination and resourcing.

Our response: LBRO is expected to be given the statutory responsibility for delivering the Primary Authority scheme once the Regulatory Enforcement and Sanctions Bill receives Royal Assent. Part of this responsibility lies in designing an effective scheme, which involves consultation and close work with stakeholders to improve awareness.

LBRO recognises that evaluation of both the scheme and its impact is important, and will ensure that it captures evidence of the value of primary authority partnerships to businesses and local authorities.

#### **4.5 Resources in local authorities**

Issue: Many respondents made the point that resources are a big factor in determining the quality of local authority regulatory services, and that this point needs to be more clearly articulated. Many local regulatory services – like their authorities – face challenging financial settlements and feel that, in some instances, the investment is not available to achieve 'critical mass'..

One of the professional bodies called for greater clarity on a related point, investment in regional co-ordination and other structural issues. It stated that change in the local regulatory system is dependent on sustaining and developing current regional and national collaborative structures in which government and local authorities have invested.

Our response: LBRO acknowledges that local authorities and their regulatory services face a major challenge in meeting rising public expectations and increasing demands for efficiency savings. It will support regulatory services in demonstrating and articulating their value, especially their role in improving community wellbeing and economic prosperity, to enable them to secure adequate resourcing. It will work with local authorities to develop frameworks to evaluate the benefit of their regulatory services as part of demonstrating their value.

The revised strategy will also provide further information on the investments LBRO will make in local authorities, for example in regional co-ordination and facilitating good practice.

## **Other significant Issues**

### **4.7 National priorities**

Issue: There were mixed views about the national enforcement priorities and LBRO's role in prioritisation. Some respondents welcomed the Rogers Review, the introduction of the national priorities and LBRO's role in updating them. However, some local authorities were dubious about their value and expressed concern that they placed additional requirements and demands on hard-pressed services.

Our response: LBRO believes that the national enforcement priorities help local authorities to deal with the various requirements of the national regulators and policy departments, providing for the first time one clear set of priorities. It will be working with local authorities on an innovative research project to find out how local authorities can successfully integrate local and national concerns.

### **4.8 Signals and messages**

Issue: Many local authority responses stated that the local regulatory system itself provides unclear or mixed signals, making it difficult to prioritise and therefore function effectively. In particular, central government departments were criticised for operating different performance frameworks and taking different approaches.

Our response: In the revised strategy, LBRO will clarify the scope and focus of its work to deal with mixed signals and messages. It will also provide more detail on programme and project work to support co-ordination of the actions of government departments and national regulators.

### **4.9 LBRO statutory powers**

Issue: Several businesses were concerned that LBRO did not have sufficient statutory powers to achieve its mission. One local authority thought that LBRO could operate successfully without them.

Our response: The final decision on what statutory powers LBRO will have will be made by Parliament in its consideration of the Regulatory Enforcement and Sanctions Bill and these will not be conferred until – and unless – the Bill receives Royal Assent.

### **4.10 Role of LACORS**

Issue: Some respondents wanted greater clarity about the relationship between LBRO and LACORS, including more detail about the role LACORS might play in delivering better local regulation

Our response: LBRO and LACORS issued a joint statement on their respective roles and responsibilities following the publication of the draft strategy and the start of the consultation. At the heart of the distinction is that fact that LBRO is an independent public organisation that will have a statutory remit while LACORS is a representative body for local government.

#### **4.11 Retail Enforcement Pilot**

Issue: Several respondents mentioned the benefits of LBRO taking on responsibility for the Retail Enforcement Pilot from the Better Regulation Executive.

Our response: The pilot will transfer to LBRO in September 2008 and LBRO will clearly outline its role in the revised strategy, including how it proposes to share the lessons learned by those local authorities participating in the pilot.

#### **4.12 World class services**

Issue: Some respondents expressed an interest in the programme to deliver a world class system of local regulation. Others wanted more detail about the incentives for local authorities to participate or queried how such a 'performance framework' might fit with the local government improvement agenda.

Our response: LBRO will include more detail in the revised strategy about how its own work is integral to the ambitions of the wider improvement agenda in local government, including the national improvement and efficiency strategy and the central-local concordat.

### **5. NEXT STEPS**

A revised strategy will be published in Autumn 2008. A copy will be sent to all those who were invited to respond to the consultation.

**ANNEX 1: LIST OF RESPONDENTS**

Reference	Organisation	Category
DS01	Waverley Borough Council	Local Authority
DS02	London Borough of Merton	Local Authority
DS03	DEFRA	National Regulator
DS04	John Lewis Partnership	Business
DS05	Environmental Health across Cheshire	Local Authority
DS06	Tendring District Council	Local Authority
DS07	Sandwell Metropolitan Borough Council	Local Authority
DS08	Office of Fair Trading	National Regulator
DS09	Nottinghamshire Environmental Health Strategic Managers Group	Local Authority
DS10	Society of Chief Officers of Trading Standards in Scotland	Local Authority
DS11	Hampshire County Council	Local Authority
DS12	SWERCOTS	Local Authority
DS13	Luton BC	Local Authority
DS14	Derby City Council	Local Authority
DS15	Environment Agency	National Regulator
DS16	Trading Standards East Midlands	Local Authority
DS17	West Sussex County Council	Local Authority
DS18	British Contract Furnishing and Design Association	Business
DS19	Chartered Institute of Environmental Health	Professional Body
DS20	Leeds City Council	Local Authority
DS21	West Yorkshire Fire & Rescue Authority	Fire Authority
DS22	Hertfordshire & Bedfordshire Environmental Health Heads of Service Group	Local Authority
DS23	Food and Drink Federation	Business
DS24	Doncaster Metropolitan Borough Council	Local Authority
DS25	West Midlands Fire Service	Fire Authority
DS26	West Yorkshire Trading Standards Service	Local Authority

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DS27	Epping Forest District Council	Local Authority
DS28	Sainsburys	Business
DS29	North Wiltshire	Local Authority
DS30	Wiltshire Public Protection Managers' Group	Local Authority
DS31	South Norfolk Council	Local Authority
DS32	East Ayrshire	Local Authority
DS33	Northern Ireland Dept of Enterprise, Trade & Investment	Other
DS34	LACORS	Professional/ Representative Body
DS35	Health and Safety Executive	National Regulator
DS36	Rochdale Metropolitan Borough Council	Local Authority
DS37	Association of Greater Manchester Authorities	Local Authority
DS38	Haringey Council	Local Authority
DS39	CBI	Business
DS40	Forest of Dean District Council	Local Authority
DS41	SoCTSO (Society of Chief Trading Standards Officers)	Professional/ Representative Body
DS42	Manchester City Council	Local Authority
DS43	Association of Port Health Authorities	Local Authority
DS44	Oldham Metropolitan Borough Council	Local Authority
DS45	Kingfisher PLC	Business
DS46	British Retail Consortium	Business
DS47	Watford Borough Council	Local Authority
DS48	City of London	Local Authority
DS49	Norfolk Better Regulation Partnership	Local Authority
DS50	East of England Trading Standards Association (EETSA)	Local Authority
DS51	Trading Standards Institute	Professional/ Representative Body

**ANNEX 2: LIST OF CONSULTATION WORKSHOP ATTENDEES**

<b>Representative</b>	<b>Organisation</b>	<b>Category</b>
Alan Lacey	Sainsbury	Business
Angela Chadha	DEFRA	National Regulator
Annette Potts	Crewe and Nantwich Borough Council	Local authority
Claire Neilson-Nelson	CBI	Business
Clive Townsend	Central England Trading Standards Authorities	Local authority
David Saunders	BERR	Government Dept
Derek Allen	LACORS	Professional body
Gareth Broughton	Health and Safety Executive	National Regulator
Geoffrey Theobald	LACORS	Professional body
Graham Hebblethwaite	West Yorkshire Joint Services	Local authority
Graham Wynn	British Retail Consortium	Business
Gretel Jones	Age Concern England	Consumer organisation
Harold Gay	Alliance Boots	Business
Jai Krishan	Office of Fair Trading	National Regulator
Janet Faulkner	Warwickshire County Council	Local authority
Janet Russell	Kirklees Metropolitan Borough Council	Local authority
Kieran O'Keeffe	British Chamber of Commerce	Business
Leon Livermore	Cambridgeshire County Council	Local authority
Mark Skinner	Gambling Commission	National Regulator
Matthew Goodman	Forum of Private Business	Business
Mike Spencer	The Furnishing Group	Business
Nyree Connell	Federation of Small Businesses	Business
Pam Nicholl	Waitrose	Business
Philip Clarke	Food Standards Agency	National Regulator
Pula Houghton	Which?	Consumer organisation
Rita Wilson	Lichfield District Council	Local authority
Ron Gainsford	Trading Standards Institute	Professional body
Steve Brooker	National Consumer Council	Consumer organisation
Steve Greenfield	Society of Chief Trading Standards Officers (SOCTSO)	Local authority
Tim Matthews	Lichfield District Council	Local authority
Tony Allen	Oldham Metropolitan Borough Council	Local authority
Vicky Hawker	Environment Agency	National Regulator
Wendy Cave	The Co-operative Group	Business

## **CONTACTS**

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