

Mapping the  
Local Authority  
Regulatory Services  
Landscape:  
November 2009

**LBRO**  
Better Local Regulation

**Executive  
Summary**



## Foreword

In 2008 we published the first comprehensive map of the local regulatory landscape, showing for the first time the scale of its complexity. This is a system that involves more than 12 national regulators and government departments and over 400 local authorities delivering nearly 200 pieces of legislation. The map shows how many different policy outcomes local authority regulatory services deliver, spanning better health, safer communities and fair trading. The different regulatory regimes in place to deliver these outcomes result in a complicated landscape, with a large number of bodies with an interest in the work of the local authority regulatory services of environmental health, fire safety, licensing and trading standards.

The system needs to be simplified so that it can function more efficiently and more effectively, and allow scarce resources to be directed at appropriate regulatory interventions for the benefit of businesses and citizens.

The map, updated for 2009, provides an evidence base for our third strategic objective – to improve the regulatory environment by simplifying the system. Our ambition is shared by a coalition of national regulators, government departments and professional and representative bodies. This coalition, facilitated by LBRO, is building consensus and is working hard to develop common approaches for local authorities and national bodies to take, which draw on the best elements of practice and reduce duplication and bureaucracy in the system to enable better regulation to flourish.

As last year, we intend that the map will inform the understanding of all those within the local regulatory system. As before, we welcome your comments and feedback so the map can truly be a 'living' document. We have consolidated the report to make it more user-friendly around the six sections:

1. Legislative Landscape
2. Policy Context
3. Wider Organisational Structures in the System
4. Resources
5. Performance
6. Relationships

Each section is available as a separate downloadable document from LBRO's website. Whilst we have sought to utilise all available evidence and data, naturally it is LBRO that must take responsibility for any errors or blemishes that remain.



Graham Russell  
Chief Executive  
LBRO



Clive Grace  
Chair  
LBRO

November 2009

## Executive Summary

1. This report is the second map of the local authority regulatory services landscape, as defined by the Regulatory Enforcement and Sanctions Act 2008 (RES Act). It updates the first map, published by LBRO last year, reflecting comments received and bringing key facts and figures up to date.
2. As well as providing an evidence base for LBRO's strategic objective to improve the local regulatory system, this report is intended to be of benefit to all those working in local authority regulatory services, national regulators and central government departments, by fostering a common understanding of the system in which they operate.
3. The report primarily focuses on England and Wales, in line with the remit of the RES Act, with reference to Scotland and Northern Ireland as appropriate. Within this report, local authority regulatory services (LARS) will be considered as including the fire safety function of fire and rescue authorities (FRAs) and the functions of port health authorities (PHAs), except where explicitly stated.
4. Since last year there has been progress in evidencing the impact of LARS and developing an outcomes-focus. LBRO published a report *Impacts and Outcomes of Local Authority Regulatory Services* that demonstrates the wider impact LARS have on quality of life outcomes. The accompanying toolkit for identifying, measuring and managing the outcomes of LARS is already being used by a number of authorities and there is widespread support and recognition of the potential for this work to deliver real benefits.
5. LBRO's research and analysis in the last year has also contributed Government's thinking on interventions to reduce alcohol harm and provided evidence to underpin the Consumer White Paper.
6. There are emerging signs of positive change in the landscape. The National Audit Office's recent survey of business perceptions showed that businesses in general perceive regulation to be less burdensome than they did in 2007. However there is still more work to be done to consult better with business and give clear guidance on what is needed to be done to comply.
7. The report describes the landscape in six sections. A summary of each section is given below.

### Legislative landscape

8. LARS enforce a large amount of legislation and play an important role in the implementation of EU Directives. Further details about the specific areas of legislation enforced by LARS can be found in the *Legislation Mapping Report*, which is available from the LBRO website.
9. The RES Act 2008 sets out six statutory functions for LBRO that apply in England and Wales and partly in Scotland and Northern Ireland. The statutory *Regulators Compliance Code* now applies across the UK.
10. The Government published *The Total Benefit/Cost Ratio of New Regulations 2008-09* making public for the first time the total annual benefits and costs of regulation resulting from legislation enacted in the last financial year.
11. Rationalising and reducing regulatory legislation are an ongoing challenge.

## Policy context

12. Two policy agendas drive change in this landscape. The better regulation agenda at local level is occurring within the wider context of increased autonomy and devolution to local government alongside streamlined, sector-led performance. This is the context in England but the direction of travel is similar in the other devolved administrations. These two policy agendas are the context for LBRO's mission to secure better local regulation.
13. Alongside these two policy agendas, the impact of the recession on the public finances has yet to become fully apparent. However it is likely that efficiency and value for money will be key policy drivers in this landscape in coming years.

## Organisational structures

14. There are three major organisational structures in the system: local government, national regulators and central government. Across the UK the total number of local authorities reduced from 468 to 433 following the creation of nine new unitary authorities in England. In addition there are 58 FRAs and 152 PHAs. At the national level there are 11 national regulators<sup>1</sup> and 12 central government departments in England<sup>2</sup>, with their equivalents in the devolved administrations with an interest in this landscape, plus a number of professional, law enforcement, regional and representative bodies. The sheer number of bodies in this landscape creates complexity and a multitude of interactions.<sup>3</sup>

## Resources

15. As a proportion of total local government expenditure, expenditure on LARS remains very small.
16. HM Treasury forecasts of UK public sector net debt are likely to have a major constraining effect on the funding of public services and further efficiency savings targets have been announced.
17. There are declining numbers of qualified environmental health and trading standards professionals. Income streams from various sources, often to undertake specific centrally driven initiatives, have been rising over the last ten years. However it is unlikely these will continue given the constraints on public sector funding.

## Performance

18. There are seven national indicators in England directly relating to the performance of LARS, including indicator 182 which measures the satisfaction of businesses with environmental health, trading standards and licensing services. The national indicator 182 baseline figure for the year 2008-09 is 77 per cent.
19. Research commissioned by LBRO identified a number of economic, social and environmental impacts that LARS contribute to, in addition to the specific performance indicators set by government. The first year's results from the Comprehensive Area Assessment will reinforce the focus on the outcomes achieved by local partnerships.

20. The regulatory services peer challenge project, developed by two Beacon local authorities, LACoRS, the professional bodies and supported by LBRO began piloting self assessment followed up by peer review with 50 LARS. The project is also developing a common excellence framework for LARS, owned by the sector but with the support of the national regulators and central departments with an interest in LARS performance.

## Relationships

21. LARS operate alongside higher spending local government services that have a greater profile with elected members, senior executive teams and the local community.
22. Beyond the local authority, LARS are involved in a range of local partnerships and activities. Fire and rescue services also operate in a number of partnerships at the local level including working together with LARS.
23. Cross-local authority boundary working is taking place between LARS in certain areas including regional co-ordination of activities. The lessons learned from the Retail Enforcement Pilot fall within four themes: developing partnerships, sharing information, tools and resource and culture. Several partnerships are taking forward some of the basic principles developed during Pilot.
24. The nature and closeness of the relationships between LARS and national regulators stem fundamentally from legislative remits and the extent to which national regulators delegate authority to LARS. Each relationship is therefore different.
25. There are multiple flows of data between LARS, national regulators and central government departments, which form part of each regulatory regime. Research commissioned by LBRO has identified 20 central bodies that routinely collect data from LARS.
26. Professional, representative and organisational networks exist across this landscape. They provide advice and support to LARS, often in collaboration with national regulators.

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- <sup>1</sup> The list comprises Animal Health, Environment Agency, Food Standards Agency, Gambling Commission, Health and Safety Executive, Meat Hygiene Service, National Measurement Office, Office of Fair Trading, Health Protection Agency, Intellectual Property Office and the UK Border Agency. The Environment Agency is considered as a single national agency though their role is enforced by the Scottish Environmental Protection Agency in Scotland and the NI Environment Agency in Northern Ireland.
- <sup>2</sup> The list comprises Department for Business, Innovation and Skills (BIS), Department for Communities and Local Government (CLG), Department for Culture, Media and Sport (DCMS), Department for Environment, Food and Rural Affairs (DEFRA), Cabinet Office, Department of Health, Department for Transport, Department for Work and Pensions, Home Office, HM Revenue and Customs, HM Treasury and the Ministry of Justice.
- <sup>3</sup> For these purposes, fire and rescue authorities and port health authorities have been counted separately to local authorities but in practice these responsibilities may be the responsibility of a single local authority.