

Mapping the  
Local Authority  
Regulatory Services  
Landscape:  
November 2009

**LBRO**  
Better Local Regulation

**Performance**

**Part Five of Six**

**Themes:**

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|------------------------|------------------------|
| <b>1 Legislation</b>   | <b>4 Resources</b>     |
| <b>2 Policy</b>        | <b>5 Performance</b>   |
| <b>3 Organisations</b> | <b>6 Relationships</b> |

## Part 5: Performance

5.1 Local authority regulatory services (LARS) have a joint role with national regulators and government departments in providing safeguards for people and the environment and maintaining fair trading practices for businesses. This section places their performance management and assessment within the wider local government performance framework.

### Local government performance assessment

5.2 The introduction of Local Area Agreements (LAAs) and the National Indicator Set has shifted the focus towards outcomes, with an emphasis on developing partnerships to deliver local priorities. This single performance framework in England stemmed also from the need to reduce the administrative burdens on local authorities. Research commissioned by LBRO estimates that the administrative cost of reporting activity and other data to central bodies by LARS is in the order of £6 million per year.<sup>1</sup> FRAs are subject to National Frameworks in England and Wales which set out governmental expectations of them.<sup>2</sup>

### National Indicator Set

5.3 Table 15 lists the performance indicators for LARS matched to the central government department/national regulator for which they are a priority outcome and to the regulatory service(s) being measured. It is important to note that LARS can contribute to a much wider number of indicators. Recent research commissioned from RAND Europe by LBRO found that LARS contribute to a number of economic, social and environmental impacts. This research resulted in a toolkit to assist LARS in identifying and evidencing their outcomes and impacts.<sup>3</sup>

5.4 There are two indicators for FRAs that flow from CLG's Departmental Strategic Objective to ensure safer communities by providing the framework for the Fire and Rescue Service and other agencies to prevent and respond to emergencies. The two fire indicators are:

- NI 33 – Arson Incidents (deliberate fires)
- NI 49 – Number of primary fires and related fatalities and nonfatal casualties (excluding precautionary checks)

### Comprehensive Area Assessment

5.5 Comprehensive Area Assessment (CAA) replaced the Comprehensive Performance Assessment (CPA) in April 2009. CAA places an emphasis on the outcomes that partners are achieving for local communities, reflecting the roles of local strategic partnerships and the advent of sustainable community strategies and LAAs. CAA is also a response to the reducing burdens agenda as it will be a joint inspectorate assessment. The six inspectorates working together through CAA are:

- the Audit Commission
- HM Inspectorate of Constabulary
- HM Inspectorate of Prisons
- HM Inspectorate of Probation
- the Office for Standards in Education (OFSTED)
- Care Quality Commission<sup>4</sup>

Table 15. National Indicators directly relating to the performance of LARS in England<sup>5</sup>

No.	National Indicator Description	Government Department/ National Regulator	LARS or FRAs being measured	Results 2008-09 <sup>6</sup>
NI 182	Satisfaction of businesses with local authority regulatory services	BIS	Trading standards, environmental health and licensing (fire safety is not specifically excluded)	The national indicator 182 baseline figure for the year 2008-09 is 77 per cent
NI 183	Impact of local authority regulatory services on the fair trading environment	OFT	Trading standards	Not available at time of writing
NI 184	Food establishments in the area which are broadly compliant with food hygiene law	Food Standards Agency	Environmental health	Not available at time of writing
NI 190	Achievement in meeting standards for the control system for animal health	Defra	To be introduced 2009-10	Will not be measured until 2009-10
NI 194	Level of air quality	Cross-cutting Public Service Agreement Target/Defra	Environmental health, housing, estate management and vehicle fleets, depending on local arrangements	Baseline data not yet available
NI 195	Improved street and environment cleanliness (graffiti litter, detritus, fly-posting)	Defra	Environmental health, depending on local arrangements	93 per cent of sites had an acceptable level of cleanliness
NI 196	Improved street and environment cleanliness (fly tipping)	Defra	Environmental health, depending on local arrangements	61 per cent of LAs graded as 'effective' or 'very effective'. An 'effective' grading means that the service has improved compared to last year

- 5.6 Through CAA, these partners will make a joint assessment of the outcomes for people in local areas and the future prospects of sustainable improvement for those areas. CAA will consist of two annual assessments: area and organisational:
- 5.7 The area assessment will assess the extent to which councils and their partners are delivering improvements on the issues that matter to people within the local area. This is encapsulated in the three key questions:
1. How well do local priorities express community needs and aspirations?
  2. How well are the outcomes and improvements needed being delivered?
  3. What are the prospects for future improvement?
- 5.8 The organisational assessment will focus on the individual public bodies within an area, to make sure they are accountable for quality and impact. These vary according to the type of organisation, but for local authorities will be made up of two elements: managing performance and use of resources, consisting of three themes: managing finances, governing the business and managing resources.
- 5.9 In order to ensure coherence and to reduce the burden of data collection, both the area and organisational assessments of CAA are informed by the national indicator set and data from sector-led improvement activities such self-assessment and peer review and communities of practice. The first results from CAA will be available in December 2009 with the launch of the 'Oneplace' website.<sup>7</sup>

#### **Local government performance assessment in devolved administrations**

- 5.10 The devolved administrations are developing their own performance frameworks for local authorities.
- 5.11 The Wales Programme for Improvement was introduced in Wales in 2002 as a new approach to stimulating and supporting improvement in the delivery of local services. Under the programme, councils examine the performance of the range of services they provide. Indicators for measuring shared outcomes between national and local government will feature in the development of cross-sector Local Service Boards and Local Delivery Agreements, both of which are currently subject to consultation by the Welsh Assembly Government.
- 5.12 Table 16 sets out the performance indicators monitored by the Data Unit of the Welsh Assembly that relate to LARS. The Welsh Assembly also measures the outcome of fire safety duties performed by FRAs in Wales. These are supplemented by a number of other 'core-set' indicators. The table shows the results for 2007-08 and 2008-09. The results for both years are broadly similar.
- 5.13 Within Scotland, single outcome agreements agreed with the Scottish Government form the basis of the relationship between the administration and local authorities.<sup>8</sup> The performance of local authorities is assessed against 45 indicators which contribute towards the Scottish Government's 15 strategic objectives. LARS are not assessed explicitly in the indicators, but their work contributes to the delivery of local objectives.
- 5.14 In Northern Ireland the Review of Public Administration recommended a performance assessment mechanism for local government. However local government in Northern Ireland is undergoing major re-structuring with the reduction of council areas from 26 to 11 in May 2011. The Department for Enterprise, Trade and Investment delivers the Trading Standards service for Northern Ireland.

Table 16. Relevant performance indicators in Wales<sup>9</sup>

Welsh Indicator	Description	Results <sup>10</sup> 2007-2008	Results 2008-09
PPN/008 (replaced PPN/005 in 2008-09)	<p>a) The percentage of new businesses identified which were subject to a risk assessment visit by each of the following service areas during the year:</p> <p>b) The percentage of new businesses identified which returned a self-assessment questionnaire during the year, for:</p> <p>i) Trading standards ii) Food hygiene iii) Animal health iv) Health and safety</p>	<p>PPN/005</p> <p>a)</p> <p>i) 48% ii) 83% iii) 50% iv) 25%</p> <p>b)</p> <p>i) 7% ii) 2% iii) 19% iv) 15%</p>	<p>a)</p> <p>i) 40% ii) 81% iii) 55% iv) 28%</p> <p>b)</p> <p>i) 6% ii) 1% iii) 4% iv) 18%</p>
PPN/001	<p>The percentage of high risk businesses that were liable to a programmed inspection that were inspected, for:</p> <p>i) Trading standards ii) Food hygiene iii) Animal health iv) Health and safety</p>	<p>i) 98% ii) 99% iii) 94% iv) 99.7%</p>	<p>i) 99% ii) 99% iii) 99% iv) 97%</p>
PPN/007	<p>The percentage of significant breaches that were rectified by intervention during the year for:</p> <p>i) Trading standards ii) Animal health</p>	<p>i) 75% ii) 86%</p>	<p>i) 80% ii) 77%</p>
PPN/004	The percentage of all eligible food businesses with a valid food hygiene award	13%	15%
STS/007	The percentage of reported fly tipping incidents which lead to enforcement activity	This is a new indicator in 2008-09	8%

5.15 There are 34 indicators for FRAs in Wales including the number of deaths and number of injuries caused by fires per 100,000 population, number of deliberate fires attended by the FRA per 10,000 population and percentage of fires attended where smoke alarm fitted and activated, fitted and not activated, or not fitted.

## Independent reviews

- 5.16 Since last year, there have been several independent performance reviews. The HSE, for example, commissioned an evaluation of the partnership between local authorities and the HSE that reported in December 2008. The evaluation found that, although the partnership has achieved a lot in its first four years, effort and resource need to be committed to ensure the partnership continues to deliver benefit. The report acknowledges that the regulatory landscape for the partnership is changing and that the partnership will therefore need to evolve.<sup>11</sup>
- 5.17 In March 2009, the inquiry into the September 2005 outbreak of e-coli in South Wales led by Professor Hugh Pennington reported its findings.<sup>12</sup> The inquiry found that, whilst responsibility ultimately lay with the proprietor of the abattoir where there were food hygiene failures, there were systemic issues that both local authority inspectors and the Food Standards Agency needed to address.
- 5.18 Also in March 2009, CLG published an initial evaluation of the effectiveness of the Regulatory Reform Order (Fire Safety) 2005.<sup>13</sup> Overall, enforcers welcomed the introduction of the FSO, though concerns were expressed on the following themes:
- Low compliance rate due to lack of awareness of the FSO requirements of a significant proportion of responsible persons
  - The quality of advice from consultants
  - Fear of litigation
  - Legal capability and capacity.

The evaluation also reported that, broadly, the businesses interviewed had a positive experience of the FSO, but for some there was still some uncertainty about their responsibilities and where to get further advice.

## National regulators and central government departments

- 5.19 National regulators and some central government departments routinely request activity data from LARS. These data flows do not constitute a formal performance management regime as such and are dealt with in more detail in Part 6.
- 5.20 The Food Standards Agency however has an EU mandate to inspect and audit the work of local authorities. It conducts a range of 'Audit Schemes' in relation to food sampling, internal monitoring, food law enforcement and the Home Authority principle. Other national regulators publish the outputs of local authority work in relation to their statutory responsibilities. For example, the HSE publishes information about relevant offences prosecuted by local authorities in England. The Office of Fair Trading also publishes details on action by local authorities under section 8 of the Enterprise Act 2002.
- 5.21 National regulators also conduct reviews and evaluations which encompass LARS in relation to particular issues or initiatives where there is joint interest or enforcement. For example, in June 2009, the Office of Fair Trading published an evaluation of the impact of trading standards services fair trading work.<sup>14</sup> This found that trading standards deliver direct savings to consumers of £347million per year, with a benefit-cost ratio of 6:1.

## Local government performance improvement

### Self assessment and peer reviews

- 5.22 Two Beacon local authorities: Coventry City Council and Westminster City Council, along with LACORS, LBRO, CIEH and TSI are working together to pilot self-assessment and peer challenge with 60 LARS. This is due to complete in March 2010. This form of performance assessment has been developed in a number of areas of local government in England and puts the focus on the self-assessing service to take ownership of identifying issues and taking action to improve, in line with the approaches being encouraged by the Improvement and Development Agency for local government.<sup>15</sup>
- 5.23 The excellence framework, used as the basis for LARS self-assessment and peer challenge within this project, also stemmed from a LARS/LACORS initiative. LBRO is currently working with the national regulators and central departments within its World Class coalition to ensure the framework aligns with their performance measures.
- 5.24 Sector-led improvement is a key complementary element of the new national performance framework for local government in England. The vision for sector-led improvement was set out in the Local Government White Paper and Local Government and Public Involvement in Health Act 2007. The 2008 National Improvement and Efficiency Strategy builds on the principles and framework laid down in the White Paper and Act. Specifically, the Strategy sets out how improvement in localities would be supported, as follows:
- a) Placing Regional Improvement and Efficiency Partnerships (RIEPs) at the heart of delivery support arrangements, and building the capacity and capability of RIEPs to support councils and partners to take increased responsibility for a range of improvement issues.
  - b) Leading locally the coordinated support of councils in difficulty and tackling poor performance where it persists through:
    - i. Tailored and coordinated support from the RIEPs, working in partnership with Government Offices (GOs), inspectorates and other government departments where concerns arise.
    - ii. Peer support and challenge by the Improvement and Development Agency (IDeA).
    - iii. Political challenge by the LGA Improvement Board lead members, where councils are not utilising the support available or where there exist political blockages to improvement.
  - c) Putting in place strong accountability arrangements to ensure that improvement support is correctly targeted to the right areas and priorities.
- 5.25 Responsibility for delivery of outcomes and improved performance has shifted from central government to local authorities and their partners. This provides the context therefore to improvement activities relating to LARS.

## Part 5: End Notes

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- <sup>1</sup> *Data collections from local authority regulatory services: Data mapping and costing the administrative burden.* Completed by CIPFA for the Local Better Regulation Office, 2009. Forthcoming.
- <sup>2</sup> In England, available via the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk). In Wales, via the Welsh Assembly Government [www.wales.gov.uk](http://www.wales.gov.uk)
- <sup>3</sup> LBRO/RAND Europe *Impacts and Outcomes of Local Authority Regulatory Services* October 2009. Available from the LBRO website
- <sup>44</sup> Formerly the Commission for Social Care Inspection and the Healthcare Commission
- <sup>5</sup> *National Indicators for Local Authorities and Local Authority Partnerships: Handbook of Definitions*, April 2008. Available via the Communities and Local Government website [www.communities.gov.uk](http://www.communities.gov.uk)
- <sup>6</sup> Results available from the Data Interchange Hub via [www.hub.info4local.gov.uk](http://www.hub.info4local.gov.uk)
- <sup>7</sup> Further details via the Audit Commission website [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)
- <sup>8</sup> Further details via the Scottish Government web pages [www.scotland.gov.uk](http://www.scotland.gov.uk)
- <sup>9</sup> Further details via the Wales Data Unit Wales [www.dataunitwales.gov.uk](http://www.dataunitwales.gov.uk)
- <sup>10</sup> Results available from the Wales Data Unit [www.dissemination.dataunitwales.gov.uk](http://www.dissemination.dataunitwales.gov.uk)
- <sup>11</sup> *Local Authorities and HSE in Partnership An Evaluation*, prepared by PA Consulting Group for the Health and Safety Executive, 2008
- <sup>12</sup> *The Public Inquiry into the September 2005 Outbreak of E.Coli O157 in South Wales.* Chairman Professor Hugh Pennington. March 2009. Available via the Welsh Assembly Government website [www.wales.gov.uk](http://www.wales.gov.uk)
- <sup>13</sup> Available from the CLG website
- <sup>14</sup> *Trading Standards Impact. An evaluation of the impact of the fair trading work of local authority Trading Standards Services in the UK.* Office of Fair Trading. June 2009. Crown Copyright. Available via the OFT website [www.of.gov.uk](http://www.of.gov.uk)
- <sup>15</sup> Further guidance on peer reviews can be found on the Idea website [www.idea.gov.uk](http://www.idea.gov.uk)