

Mapping the  
Local Authority  
Regulatory Services  
Landscape:  
November 2009

**LBRO**  
Better Local Regulation

## Relationships

**Part Six of Six**

### Themes:

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| <b>1 Legislation</b>   | <b>4 Resources</b>     |
| <b>2 Policy</b>        | <b>5 Performance</b>   |
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## Part 6: Relationships

- 6.1 What follows is not an exhaustive map of all the relationships in this landscape as the intention is to highlight the contours and key features. It is important to note that local authority regulatory services (LARS) services can be a delivery vehicle for other initiatives, such as business continuity planning or improving diet and nutrition, while LARS officers are likely to be the only local authority staff that have regular direct contact with businesses.<sup>1</sup> The modern professional role of LARS increasingly goes beyond the traditional role of ensuring compliance with regulations.
- 6.2 The relationships of LARS with different bodies are discussed in the following order:
- Within their local councils and partnerships
  - With each other (both intra- and inter-council)
  - With national regulators
  - With professional and representative bodies
- 6.3 LBRO is carrying out work to understand the delivery chains of the 20 key policy areas that LARS are tasked to deliver. This will shed further light on the nature of the relationships across the landscape.

### LARS within their local councils and partnerships

- 6.4 The primary relationship LARS have is with their respective local council democratic and executive structures, not least because they provide their budgets. The models of democratic governance are set out in more detail in Part 3.
- 6.5 Part 4 highlighted that the share of total local government expenditure on LARS is very small at less than one per cent. LARS operate alongside higher spending services that have greater profile with elected members, senior executive teams and the local community. LBRO's survey of members of the public, commissioned from Ipsos MORI, showed that of those who would contact their local council in relation to concerns about goods, services, hygiene and health and safety, knowledge of environmental health services is greatest.<sup>2</sup> Research conducted by LACoRS suggested that some regulatory services are more successful than others in getting on the 'corporate radar'.<sup>3</sup>

### Service delivery plans and partnerships

- 6.6 Local authorities have a statutory duty to develop strategic plans for the delivery of the services for which they are responsible. LARS must therefore demonstrate how they will meet local and national priorities for their services and set out their resource requirements and performance objectives. Service-planning will also set out arrangements for partnership working and the delivery models being adopted in order to achieve priority outcomes. This is the key accountability mechanism between LARS and their local councils.

- 6.7 In terms of relationships with other local partners, Crime and Disorder Reduction Partnerships (CDRPs) place a duty on local authorities and the police to work together to combat crime and disorder.<sup>4</sup> These have involved LARS, particularly fire and rescue authorities (FRAs) and trading standards, whose service plans have to reflect their role in helping the local council meet its duties in respect of CRDPs. Suitably qualified trading standards staff are empowered by legislation to prevent the sale of alcohol to minors and can also play a key role in alcohol harm reduction strategies. Air Quality Action Plans, which involve environmental health services, should also be integrated with Local Transport Plans thus extending the impact that environmental health services can have on local policies. Research commissioned by LBRO to uncover the impacts and outcomes of LARS identified a range of areas in which LARS contribute, usually in partnership.<sup>5</sup>
- 6.8 For FRAs, the most common links are between FRAs and local authorities and the most widespread circumstances for working together are the requirements of sports grounds, the Licensing Act and the Housing Act. Fire and rescue services draw up mandatory service performance plans which include an Integrated Risk Management Plan (known as Risk Reduction Plans in Wales) for their local areas. In addition, FRAs work with:
- Care Standards Inspectorate for the Care Standards Act 2000
  - Local Authority Building Control for the Building Act and the Building Regulations
  - Licensing Authority under the Licensing Act
  - HSE
  - the private sector, Housing Renewal Schemes under the Housing Act, and
  - Ofsted.
- 6.9 As set out in Part 2, partnership working has been consolidated further via Local Area Agreements in England and Local Service Boards in Wales.

LARS with each other

### **Unitary authorities and two-tier areas**

- 6.10 The positioning of LARS in unitary and in two-tier areas is a structural feature of this landscape. Unitary authorities deliver environmental health, trading standards and licensing services in their local area.<sup>6</sup> In two-tier areas in England, LARS are split between the district and the county levels. In unitary areas, LARS can produce joint enforcement policies and comprehensive service delivery plans. Co-location can also allow for effective working in dealing with local priorities such as anti-social behaviour and alcohol disorder where trading standards officers and environmental health officers have complementary powers. However, joint working arrangements do exist in two-tier areas also, as inter- rather than intra-organisational relationships
- 6.11 Thirty six non-metropolitan district councils became nine unitary authorities as of April 2009. These new authorities supported by mechanisms such as local area agreements and comprehensive area assessments echo the current drive towards devolution to a strong and increasingly autonomous local government system, unlocking the potential for increased local accountability and consistency. LBRO has been working closely with the new unitary authorities, facilitating the sharing of experience and good practice as a peer group.

- 6.12 The focus on joined-up services, transparency and accountability has clear links to the better regulation agenda. Partnership working is crucial in supporting the effective collaboration needed at a local level, facilitated through data sharing, to enable the delivery of shared services.

### **Retail Enforcement Pilot**

- 6.13 The project delivering the Retail Enforcement Pilot (REP) was completed in October 2009. The last partnership finished its pilot in June 2009 and the subsequent *Lessons Learned Report* from the pilot published in November 2009.<sup>7</sup>
- 6.14 The *Lessons Learned Report* covers the following four main themes:
- a) developing partnerships
  - b) sharing information
  - c) tools and
  - d) resource and culture.
- 6.15 The research centred on the analysis of the feedback from senior management and front line enforcement officers from the partnerships who carried out REP inspections. These lessons are available via the LBRO website along with a report, commissioned by the LBRO, from the Centre for Regional Economic Development (CRED) based at Cumbria University that carried out research into the impact the introduction of REP had on business. This research was based on intensive feedback from six businesses, the results of which were reviewed at forums attended by representatives from business associations. The findings confirmed the wider view that businesses welcomed the interaction with local enforcement officers, whilst seeing the administration surrounding regulation as the major burden.
- 6.16 The pilot is now finished, however most of the partnerships who were involved in the pilot are taking forward some of the basic principles developed during REP. In addition, AGMA (GMPPP) are continuing with its R&D exercise in exploring improved methods of regulatory inspections through Business Compliance Assessment.

### **Cross-boundary working**

- 6.17 There are a number of collaborations, partnerships or joint working arrangements across LARS in different councils, referred to collectively as shared services. The main reason for the creation of shared service arrangement is the need to deliver efficiency savings.<sup>8</sup>
- 6.18 Local authorities operate schemes within which a single local authority takes a lead role in the regulation of a particular business.<sup>9</sup> These schemes act to improve the consistency, targeting and proportionality of enforcement. This is achieved through an authority developing an in-depth understanding of a business and providing advice. Information is then shared between local authorities in a coordinated way to maximise the efficiency of the local regulatory system, as well as to minimise burdens for business.

## Regional working

- 6.19 There are currently 11 trading standards groups providing coordination of operations across England, Scotland<sup>10</sup> and Wales at a national and regional level. In 2008-09, LBRO and the OFT provided joint funding for coordination with match funding from local authorities. In 2009-10 to sustain the network, LBRO continued to contribute to coordination funding with match funding from local authorities with a view to developing a sustainable long term solution for coordination. Regional groups' structure and governance varies from region to region and this has been developed to meet local authority needs and priorities. The Regional Coordination framework has facilitated the implementation and delivery of a number of national projects and initiatives such as Consumer Direct, Scambusters, Illegal Money Lending, Regional Intelligence and Tobacco strategy.
- 6.20 Environmental health services operate similar coordination networks at regional or sub-regional levels in particular regulatory areas. There are established partnerships for environmental health on a regional level where the local authorities are unitary such as London and Wales where similar sizes and local issues have facilitated the authorities to come together and work more efficiently and effectively. Most environmental groups work on a sub-regional, county level and vary from sharing best practice and expertise to being more cohesive and undertaking joint sampling and project work.
- 6.21 Four pilot projects also began in 2008-09 looking at regional coordination across trading standards and environmental health. These were funded by LBRO and took place across the East of England, the North West, North East and the South West. Learning continues to be extracted from the pilots with authorities being encouraged to look for sustainable solutions.
- 6.22 All pilots are exploring different approaches to embed the principles of better regulation as well as working better together to achieve greater efficiencies and economies of scale. Strong governance and engagement with business have been identified as key priorities areas of work going forward. LBRO are also supporting regional groups that are looking to develop regulatory services partnerships such as the Yorkshire and Humber Regulatory Services Group and the East Midlands Group.
- 6.23 The Welsh Assembly also has an emphasis on collaboration and regional working for the delivery of better outcomes by local authorities including regulatory services. The Local Government Policy Statement outlines the vision of local governance:
- ensuring that public services are centred on the needs and experiences of citizens encouraging specialisation and economies of scale to be achieved through cross boundary collaboration, and
  - encouraging integration and responsiveness to the diverse needs of citizens to be achieved through cross sector collaboration.
- 6.24 In addition, across England and Wales there are regional structures that can intersect with the activities of LARS in the form of Regional Development Agencies and Regional Innovation and Efficiency Partnerships in England and Regional Partnership Boards in Wales.

## LARS with national regulators

- 6.25 Alongside local councils and partners LARS, as local regulators, have relationships with the relevant national regulators. An overview of these bodies is given in the organisational structures section of this report.

## Legislative remit and delegation

- 6.26 The nature and closeness of these relationships stems fundamentally from the legislative remits given to LARS and national regulators and the extent to which national regulators delegate authority to LARS.
- 6.27 The legislation sets out who the enforcing bodies are, whether national regulators or LARS. For example, Schedule 1 of the Health and Safety (Enforcing Authority) Regulations 1998 outlines in law where local authorities undertake enforcement duties under Health and Safety legislation. Part IV, part 69 of the Weights and Measures Act 1985 explicitly defines the local weights and measures authorities. However, in contrast, the Food Hygiene (England) Regulations 2006 do not explicitly task local authorities with food safety duties but give the Food Standards Agency powers to delegate authority.<sup>11</sup>
- 6.28 Table 17 summarises the legislative remits of national regulators and LARS in England using the following two characteristics.
1. Delegated. This is where a national regulator has a legal or regulatory responsibility that is delivered by LARS.
  2. Shared. This is where LARS and national regulators both undertake enforcement of legislation.

**Table 17. The legislative remits of national regulators and LARS**

National regulator	Standards	Inspection for Regulatory Compliance	Enforcement & Prosecution
National Measurement Office	EU/BIS	Shared	Delegated
Food Standards Agency	EU	Delegated	Delegated
Office of Fair Trading	BIS	Shared	Shared
Health and Safety Executive	DWP	Shared	Shared
Gambling Commission	Home Office/DCMS	Shared	Shared
Animal Health	DEFRA	Shared	Delegated
Environment Agency	DEFRA	Shared	Shared

- 6.29 Table 8 in Part 3 shows the UK coverage of national regulators. Where a national regulator does not apply in a devolved administration, then the characteristics listed above may differ.

## Liaison, coordination and collaboration

- 6.30 Given the linkages between them, as summarised in Table 14, national regulators may liaise with LARS, sometimes through dedicated teams or units, on issues relating to the coordination of enforcement. They may also provide advice, facilities and expertise either directly or through central government departments. In addition, national regulators and local authorities collaborate through the sharing of best practice, championing, training and guidance.
- 6.31 National regulators and LARS may work together formally under Memoranda of Understanding and similar agreements. In addition, some national regulators, LARS and other partners may work together on agreed local priorities through Local Area Agreements and through engagement with Local Strategic Partnerships and Community Strategies.
- 6.32 National regulators, LARS and other partners also work together more informally to address specific local issues when they arise. For example, LARS officers may sit down with their counterparts in the Environment Agency and Health and Safety Executive to assess available tools and develop a strategic solution where a site presents both significant environmental and safety risks.

## Information and intelligence

- 6.33 LARS have expertise and knowledge about businesses, risks and enforcement actions in their areas and national regulators have a national perspective. An example of where the two perspectives can meet is in the UK Threat Assessment co-ordinated by the OFT with the Local Authorities Coordinators of Regulatory Services (LACoRS) Trading Standards Policy Forum (TSPF). The focus of the assessment is on 'harmful trading practices' and concentrates on those areas of the economy not covered by sectoral regulators such as Ofcom and Ofgem. The purpose of the assessment is to provide the TSPF with an overview of the main threats and emerging issues, with an evidence-based to help identify priorities that could be included in various strands of activity.
- 6.34 LARS contribute activity data and intelligence to national regulators and central government departments through formal, information reporting systems. Research commissioned by LBRO found that 20 central bodies across England and Wales routinely collect data from LARS, on a mandatory or voluntary basis.<sup>12</sup> They are listed in Table 18, along with the principal information systems used.
- 6.35 It is worth mentioning that national regulators can have relationships with local authorities more broadly and interact with other local authority services such as planning, waste management and transport. The Health and Safety Executive, Food Standards Agency and the Environment Agency are named partners which local authorities have a duty to consult with in developing LAAs. National regulators may also be involved in Local Service Boards in Wales. In this way, local authorities, national regulators and other partners agree local priorities and delivery of actions against joint targets. National regulators, local authorities and other partners also work together more informally to address specific local issues, sharing resources, assessing options and making decisions on an appropriate approach and their respective roles. In addition, national regulators may report to central government on the performance of local authorities on some national indicators. Finally, local councils may themselves be subject to regulatory activity. The Health and Safety Executive for example, reports to the Ministerial Taskforce on Health, Safety and Productivity on reducing and managing sickness in local authorities.

Table 18. National bodies that collect data from LARS

National body	Principal information system/return
Food Standards Agency	Local Authority Enforcement Monitoring System
Chartered Institute of Environmental Health	Noise management statistics
Department for Environment, Food and Rural Affairs	Local Air Quality Management System (LAQM) Local Pollution Control Statistical Survey Animal health and local authority return
Welsh Assembly Government	Performance indicators (see Part 5) (Collected by Wales Data Unit)
Communities and Local Government	Housing Strategy Statistical Appendix
Chartered Institute of Public Finance Accountancy	Trading Standards Survey Environmental Health Survey
Health and Safety Executive	Prosecutions Database and RIDDOR Local Authority Health and Safety Return
Department for Culture Media and Sports	Alcohol and entertainment licensing statistics
Gambling Commission	Quarterly Returns on permits, temporary use notices, occasional use notices, premises inspection and reasons and outcomes of reviews
Office of Fair Trading	Consumer Direct Central database Central Register of Convictions
Environment Agency and Department for Environment, Food and Rural Affairs	Flycapture
Department of Health	Tobacco control survey Smoke free legislation compliance survey (England)
National Measurement Office	Local Authority Data from NMO from Section 70 Reports
Department for Transport	Taxi Licensing Survey
Health Protection Agency	Notifications of Infectious Diseases
Trading Standards Institute	Hallmarking Act
Wales Head of Trading Standards	Performance indicators
National Pest Technicians Association	National Annual Rodent Survey
Dogs Trust	Stray Dog Return
Department for Business, Innovation and Skills (BIS)	National indicator (see Part 5)

6.36 National regulators and government departments often coordinate policy and enforcement activities or undertake joint initiatives. The Regulators of Hampton Implementation Network Group (RHING) was established in 2006 to coordinate activities of mutual interest. It includes a number of the national regulators as well as several government departments, the Better Regulation Executive, LBRO and LACoRS.

### LARS and professional and representative bodies

6.37 LACoRS is a local government central body under the umbrella of the Local Government Associations for England (LGA), Scotland (COSLA), Wales (WLGA) and Northern Ireland (NILGA) and is responsible for overseeing LARS across the UK. It is funded mainly by local government and works closely with LARS, professional bodies and other stakeholders in the provision of advice, information and guidance on regulatory services issues and also provides guidance to councils and councillors.

6.38 LARS have a collective voice through the representation and consultation provided by LACoRS and their professional bodies, which are listed in Table 19 below. Importantly, the representative and professional bodies provide the links between practitioners and the policy-making process. For LARS in England, LACoRS coordinates Policy Fora for environmental health, trading standards and licensing and these are the key mechanisms for consultation with practitioners. In Wales, the WLGA and WAG work closely with the Directors of Public Protection Wales. For FRAs in England, a Practitioners Forum has been set up chaired by the Chief Fire Officers' Association. In Wales the Fire and Rescue Consultative Forum, comprises senior FRA representatives, senior police and local Authorities representatives along with representation from business and industry, operates at a strategic level advising Welsh Ministers on the development of policy and issues affecting fire and rescue.

**Table 19. Professional bodies**

Professional body/grouping	UK Coverage
Chartered Institute of Environmental Health	England and Wales
Royal Environmental Health Institute of Scotland	Scotland
Trading Standards Institute	England, Wales, Scotland
- Association of Chief Trading Standards Officers	England and Wales
- Society of Chief Officers Trading Standards Scotland	Scotland
Directors of Public Protection Wales	Wales
- Welsh Heads of Trading Standards	Wales
- Welsh Heads of Environmental Health Group	Wales
Institute of Licensing	England, Wales, Northern Ireland
Chief Fire Officers Association	England, Wales, Scotland
Institute of Fire Engineers	England, Wales, Scotland, Northern Ireland

- 6.39 The professional bodies organise training and develop accredited qualification frameworks. They are working closely with LBRO via the coalition for excellence to develop a common approach to competency.

## Part 6: End Notes

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- 1 A survey of 200 businesses commissioned by LBRO in February 2009 found that 56 per cent of face-to-face contacts with local authorities in the last year had been with LARS officers. Ipsos MORI *Public Perceptions of Local Authority Regulatory Services. A survey of consumers conducted for the Local Better Regulation Office*, November 2008
- 3 *Leading by Listening Summary of Initial Findings*, LACoRS
- 4 See the Office of Public Sector Information web-pages for details of relevant legislation [www.opsi.gov.uk](http://www.opsi.gov.uk)
- 5 RAND Europe reference
- 6 Licensing Boards are separate in Scotland.
- 7 The *Lessons Learned Report* prepared by Middlesex University will be available from the LBRO website.
- 8 LCS Consultancy Services, 'Summary Report: Current Practice of Shared Working in Regulatory Services', June 2009.
- 9 These are the Primary Authority scheme created by the RES Act 2008, the Lead Authority scheme, now closing and the Home Authority scheme, which is voluntary.
- 10 Scotland has a National Co-ordinator performing the equivalent role of a Regional Co-ordinator
- 11 See the Office of Public Sector Information web-pages for details of relevant legislation [www.opsi.gov.uk](http://www.opsi.gov.uk)
- 12 CIPFA *Data collections from local authority regulatory services: data mapping and costing the administrative burden. Completed by CIPFA for the Local Better Regulation Office*, forthcoming, available from the LBRO website. 22 collecting bodies are cited in the report, WAG and WAG Animal Health were counted separately as were DEFRA (England) and WAG (Wales) in relation to animal health. Here only DEFRA and WAG are counted.