

Priority Regulatory Outcomes
A New Approach to Refreshing the
National Enforcement Priorities for
Local Authority Regulatory Services

Consultation Paper

Prepared by the
Local Better Regulation Office



February 2011

Foreword

From Clive Grace, LBRO Chair

In May 2010, the Coalition's Programme for Government laid out its ambitions to create a fair, free and responsible UK society¹. The document highlights the importance of supporting economic recovery through sustainable growth and enterprise, whilst protecting UK consumers by giving them the information they need to make informed choices.

To deliver these ambitions, a new approach to public sector delivery has been set out in which central government creates the conditions to enable effective and accountable local delivery and local services use their understanding of local communities to deliver the outcomes that matter most to local people. The White Paper, *Local Growth – Realising Every Place's Potential*², has since further articulated the role that local structures will play in developing a sustainable and balanced economy.

In this context, the role of appropriate and proportionate local regulation has been brought to the fore. Regulatory services have a wide impact on the delivery of a broad range of community outcomes, from tackling anti-social behaviour to improving local people's health. Working at a local level, officers are well placed to understand and address the local barriers to business compliance, but their combined actions across England also make a vital contribution to the delivery of overarching Government ambitions. LBRO works closely with both local and national partners to create the conditions for a simpler regulatory system, enabling regulatory services to maximise local outcomes by reducing the regulatory burdens on business and ensuring public protection.

We are pleased to present this consultation paper that articulates for the first time a draft set of priority regulatory outcomes for England. Drawn up in collaboration with a range of stakeholders, these priorities reflect the issues that matter most to English businesses and communities. They will provide a transparent framework which allows local delivery to support national ambitions, whilst empowering local regulatory services to use discretion and autonomy when tailoring approaches to the needs of local communities. We welcome your views and comments on the priorities and the proposed new approach to priority setting for regulatory services.

The role of the Local Better Regulation Office

LBRO was established under the Regulatory Enforcement and Sanctions Act 2008 to drive the wider regulatory reform agenda at local level. As part of the cross Government review of all partner bodies, LBRO was recently reviewed by the Department for Business, Innovation and Skills and following the review, it was announced the LBRO functions of Primary Authority and other deregulatory measures would continue. In order to ensure the continued simplification of the regulatory system, Government has recently announced that LBRO's work will be carried forward and maintained by a streamlined body within the Department for Business, Innovation and Skills. This proposal is subject to consultation in Spring 2011.



Clive Grace,
Chair
Local Better Regulation Office



Graham Russell,
Chief Executive
Local Better Regulation Office

February 2011

Consultation Summary

<i>Who should read this document?</i>	This consultation is relevant to anyone with an interest in local regulation that extends to the proposed replacement of the existing national enforcement priorities for England with broader priority regulatory outcomes. This may include, in particular, local authorities, fire and rescue authorities, government departments, national regulators, and professional bodies.
<i>Making your views heard</i>	We are keen to gather all views on the subject of the draft priority regulatory outcomes and any supporting evidence. You should not feel constrained by the specific questions nor feel obliged to offer responses to all of them. Concentrate on those in which you have the most interest.

Views are requested by the 6th of May 2011

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<i>Your details</i>	Representative groups may wish to give a summary of the views of the people and organisations they represent, and, where relevant, how they consulted with them. You may wish to include contact details for follow-up
<i>Confidentiality</i>	The position regarding the confidentiality of any information provided is set out on page 50 this document. Unless you state otherwise (and an automatic disclaimer generated by your IT system does not constitute such a statement), we will assume you are happy for us to publish your response and share it with government officials.
<i>Additional copies</i>	This consultation is available for download from www.lbro.org.uk

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The Local Better Regulation Office wishes to thank the expert user group that advised the review process, and the government departments, agencies and national regulators that supplied evidence to support the review. We would particularly like to thank the businesses, individuals and representative groups that provided views and comments to inform this consultation paper.

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Use of data and evidence

This process to refresh the national enforcement priorities for England has used an evidence-based approach and a summary of the evidence received is presented in this consultation paper. Unless otherwise stated, data relates specifically to the activity and impact of local regulatory activity in England. Where information is unavailable specifically for England, appropriate UK figures are provided.

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Questions

General

1. Do the draft priority regulatory outcomes accurately address the regulatory issues and risks facing England?
2. Are they suitably focused on emerging issues and future threats?
3. Are outcome-focused priorities the most effective way to promote local discretion and meet the needs of local people, whilst providing a framework to meet national needs, such as support for economic growth and the protection of vulnerable citizens?
4. Should the term 'priority regulatory outcomes' replace 'national enforcement priorities' to denote the list for English local authorities referred to in section 11(1) of the Regulatory Enforcement and Sanctions Act 2008?

1.0 Executive Summary

National Enforcement Priorities to Priority Regulatory Outcomes

Context

Local authority regulatory services of trading standards, environmental health, licensing and fire safety play a vital role in protecting local communities and supporting businesses to comply and prosper. They are responsible for delivering the outcomes that matter to local people – safer food, cleaner neighbourhoods, healthier workplaces, and consumer protection. The economic, social and environmental impact of regulatory activity means that regulatory services are an important asset to communities, citizens and businesses.

The Coalition Government is clear about its commitment to a radical decentralisation of power to individuals and communities, building a free, fair and responsible society where public services are focused on the needs of citizens and business. This consultation report, prepared by the Local Better Regulation Office, sets out a new approach to national enforcement priorities for local authority regulatory services that reflects this commitment to return power to the local level and empower citizens and businesses to hold public services to account.

National enforcement priorities for local authority regulatory services were first published by the Rogers Review³ in March 2007, providing clarity about the Government's expectations for enforcement at the local level. There have been many changes since the priorities were published, not least the establishment of the new Coalition Government with a new focus and a commitment to radically reform the relationship between local and central government and most importantly, between government and citizens.

A shift from national enforcement priorities

Setting prescriptive priorities for local delivery from the centre is simply not reflective of the ambitions of Government to decentralise power. Instead, the role of central government and its agencies is to create the right conditions to ensure effective and accountable local delivery. It is not the role of central government to intervene in local delivery in order to secure the desired outcomes. It is the role of local government to deliver the outcomes that matter to local people in a transparent and accountable manner.

The new approach described in this consultation to setting priorities for local authority regulatory services reflects these changed roles and responsibilities. Priority regulatory outcomes, replacing narrower national enforcement priorities, provide clarity about the outcomes that matter to Government and ensure that regulatory activity can be focused on delivering outcomes rather than 'ticking boxes'. These outcomes, drafted through a collaborative approach between local and national partners, form part of the conditions needed to ensure effective local delivery.

The selected priorities set out in this consultation report reflect the issues that local citizens and businesses are concerned about, including the quality and safety of the local environment, quality of life issues such as housing, noise and anti social behaviour, and the hygiene and safety of local retail outlets. By focusing on these outcomes, collectively local authorities and their partners will help to achieve the aspirations set out in the Programme for Government, including a fair and responsible society, economic growth and improved quality of life for local people.

Priority regulatory outcomes set a framework for local delivery that will support national economic growth and ensure the protection of citizens across the country. By setting outcome-focused priorities, local authorities are empowered to use local discretion and autonomy to select the most appropriate ways to meet the outcomes in their locality. Local authorities carry out a breadth of activity to support business compliance and prosperity and to protect citizens, workers and the environment. Achieving better outcomes depends on the careful allocation of resources across a range of regulatory activities, such as advice and guidance, education and awareness campaigns, and intelligence sharing, not simply traditional enforcement. Using local information and professional judgment, local authorities are best placed to assess which tool, regulatory or not, will best achieve the priority regulatory outcomes in their locality.

The draft priority regulatory outcomes

The draft priority regulatory outcomes presented in this consultation report for comment are as follows. Note that the priorities are listed in no specific order.

Priority Regulatory Outcomes

- Protect the environment for future generations by tackling the threats and impacts of climate change
- Improve quality of life and wellbeing by ensuring clean and safe public spaces
- Help people to live healthier lives by preventing ill health and harm and promoting public health
- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy
- Support enterprise and economic growth by ensuring a fair, responsible and competitive trading environment

Figure 1: Priority Regulatory Outcomes

These priorities do not stand in isolation and various regulatory activities can contribute to the delivery of multiple outcomes. For example, tackling environmental crime can contribute to both 'improving quality of life and well being' and 'supporting enterprise and economic growth'.

Why these priorities matter: summary overview

Table one (page 20 below) provides an overview of the priorities and key delivery mechanisms.

Section 4 below (page 22 below) provides a more detailed analysis of evidence collected in support of the selected priorities.

Protect the environment for future generations by tackling the threats and impacts of climate change

The Government believes that climate change is one of the gravest threats facing the country and that urgent action is required. England's historical and diverse natural environment needs to be protected and enhanced for future generations. The environment has a direct impact on economic prosperity, and the threats of climate change also have direct impact on the health and wellbeing of individuals. To meet the long-term challenge that climate change presents, a combination of mitigation and adaptation is needed⁴. Regulatory services have an important contributory role to play in reducing the impact through advising businesses and citizens, controlling risks of flooding, working with planning colleagues to promote appropriate land use and minimising public health risks.

- The UK's climate is already changing. Temperatures are 1°C higher on average than they were in the 1970s. This warming has been accompanied by more frequent heat waves, more intense rainfall events and rising sea levels.
- Insured losses from weather-related events currently cost the UK £1.5 billion each year on average. The 2007 central England summer floods cost the economy over £3 billion.
- The type of health risks posed by the impacts of climate change include infectious diseases, malnutrition and global food supply shortages due to crop failure, illness related to poor air quality and pollution, trauma and mental health problems caused by extreme weather, cancer caused by ozone depletion and death resulting from extremes of temperature⁵. If not addressed, climate change will impact negatively, countering the improvements in health and life expectancy achieved so far.
- Over 5 million people in England and Wales live and work in properties that are at risk of flooding from rivers or the sea⁶. The UK Climate Impact Programme⁷ says the estimated number of homes at risk of flooding is likely to double to about 800,000 within 25 years because of rising sea levels.
- It is estimated that the risk of flooding from rivers and the sea will at least double by the 2080s, and could increase by up to 20 times, with the cost of flooding rising from the current £1 billion a year to up to £21 billion⁸.
- About four in five people want more education and action on climate change, with most people looking to the Government in each case. In particular, people want to know more about what they can do now to adapt for the challenges ahead⁹.

Improve quality of life and wellbeing by ensuring clean and safe public spaces

Communities are an important component of people's physical and mental health and wellbeing¹⁰. Evidence shows the more deprived the neighbourhood, the more likely it is to have social and environmental characteristics presenting risks to wellbeing, including poor housing, higher rates of crime and poorer air quality¹¹. Local authority regulatory services have a duty to maintain the local environment by keeping the streets and green spaces clean and free of litter, removing graffiti, dealing with abandoned vehicles and tackling anti-social behaviour, including disorder associated with underage consumption of alcohol and other age restricted products.

- Over 30 million tonnes of litter are collected from the streets every year and it costs £858 million a year to clean the streets of England¹², an increase of almost £100 million in the last year.

- 37% of residents surveyed across England think that rubbish or litter lying around is a very big or fairly big problem in their local area and 33% of people think vandalism, graffiti and other deliberate damage is a very big or fairly big problem¹³. Cigarette litter is the biggest litter problem, with 54% of people surveyed by Keep Britain Tidy listing cigarette litter as a particular problem in their local area¹⁴.
- Air pollution is still expected to reduce life expectancy of every person in the UK by an average of 6 months, with estimated annual health cost of up to £317 billion. Susceptible groups include children, the elderly and those living in poorer conurbations – often due to the increased levels of industry in the area.¹⁵
- In a survey on the impact of anti social behaviour on quality of life, noisy neighbours resulted in the biggest impact on quality of life, with 40% of people surveyed experiencing a high impact¹⁶.
- Shelter has estimated that 1.4 million children in England live in poor housing as a result of overcrowding and unfit conditions. Research on the impact of poor housing on children found that housing conditions affected virtually all aspects of a child's health and wellbeing, including mental health, educational attainment and physical wellbeing.

Help people to live healthier lives by preventing ill health and harm and promoting public health

Preventing ill health requires an ambitious strategy and innovative techniques to help people take responsibility for their own health. The Marmot Review of health inequalities in England concluded that creating a fairer society is fundamental to improving the health of the whole population¹⁷. Reducing health inequalities requires a focus on the health behaviours of smoking, alcohol consumption, obesity and unhealthy nutrition¹⁸. Regulatory services have an important and unique contribution to make to preventing ill health and harm and reducing health inequalities. Fire and rescue authorities also have a wide duty to promote fire safety within their communities, through the provision of information, publicity and encouragement about fire prevention, allowing them to support active fire safety management and regulatory compliance in the commercial sector.

- In England today, over a fifth of the adult population smokes – 8.8 million people¹⁹. Smoking is one of the most significant factors underlying health inequalities and life expectancy and as such, a key focus of improving public health. Although smoking rates are in decline, tobacco remains the major preventable cause of premature death.
- The current level of tobacco use is estimated to cost the NHS around £2.7 billion every year. In 2007/08 in England there were approximately 440,000 hospital admissions of adults aged 35 and over with a primary diagnosis of a disease that was caused by smoking, equating to approximately 1,200 admissions per day on average²⁰.
- It is estimated that the cost of alcohol related harm to the NHS in England is £2.7 billion. In 2007/08 there were 863,300 alcohol related admissions to hospital, representing an increase of 69% since 2002/03, and 6,541 deaths directly attributable to alcohol²¹.

- In 2008-2009, there were 24.8 million working days lost overall in England, 20.6 million of these were due to work related ill health and 4.1 million due to workplace injury²². GPs are more likely to see people suffering from work related stress, musculoskeletal disorders, skin or respiratory disease than any other work-related reason²³.
- In 2009/10, there were 13,420 primary fires in non-domestic buildings, resulting in 22 fatalities and 1,000 injuries²⁴.
- Many common allergic reactions, notably asthma and eczema in children, may start as a result of exposure to pests such as cockroaches and house dust mites. It is estimated that 5.4 million people in the UK are currently receiving treatment for asthma, of which 1.1 million are children, and that the cost of asthma to the NHS each year is £1 billion²⁵.

Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy

Currently, about half of the food consumed in the UK is imported²⁶. The Government believes that more needs to be done to support the farming industry and encourage sustainable food production here in the UK. To support the farming industry, it is important to ensure a safe, healthy and sustainable food chain that benefits consumers and the rural economy. Enforcement of food safety law ensures that food purchases are produced, transported and sold in line with requirements and ultimately, that food is safe to eat. Delivery of food safety and consumer protection across the food chain is shared by a number of agencies and delivery partners, including local authorities, the Food Standards Agency, DEFRA and Animal Health.

- Poor diet is recognised as one of the main causes of ill-health and premature death. It has been estimated that approximately one third of deaths from heart disease and a quarter of deaths from cancer can be attributed to poor diet. The public health implications of poor diets are becoming more significant²⁷.
- The consumption of unsafe or unfit food can give rise to food borne disease. During 2008-9, approximately 80,000 food premises were rated as non-compliant with food safety legislation at a level that exposes consumers to risk.
- Food borne disease is a major cause of illness in the UK and imposes a significant burden on individuals, healthcare services and the economy. It is estimated that each year in the UK around 1 million people suffer a food related illness, which leads to 20,000 people receiving hospital treatment and 500 deaths each year from food borne disease.
- The cost to the economy of food borne disease is estimated to be in the order of £1.5 billion per annum, due to loss of production, health care costs and damage to business. This does not include the costs of major incidents and food scares.
- The BSE outbreak restricted UK exports for many years and continues to impose financial burdens on the industry. Disease outbreaks bring restrictions on the movement of animals and sale of animals at markets. Other impacts include the psychological impact on local farming communities, the threat to livelihoods and a dramatic reduction in tourism²⁸.

- Food labels remain important to shoppers looking for a range of information such as 'best before' dates, allergy advice and additives in food. The amount of fat, saturated fat, salt and sugar in foods are still the top issues of concern among consumers and the quantity of fat and salt are the most commonly checked for nutritional information on labels.

Support enterprise and economic growth by ensuring a fair, responsible and competitive trading environment for consumers and business

The Government is committed to creating a fair and responsible society. These values also underpin the trading environment where action is needed to protect consumers, particularly the most vulnerable, and to promote greater competition across the economy. The burden of regulation remains a significant concern for UK businesses and needs to be addressed at both national and local level. The regulatory system as a whole, and local regulators individually, should tailor their approaches to support businesses into compliance in a way that meets their needs²⁹.

- There are 4.8 million small businesses in the UK and 95% of small businesses employ less than 5 people. Small businesses contribute more than 50% of the UK turnover and employ more than 59% of the private sector workforce³⁰.
- Businesses want proportionate and consistent enforcement, which is targeted at non-compliant businesses, ensuring a fairer playing field for the businesses that do invest in compliance. Businesses welcome an approach that is focused on enabling enterprise by providing assured guidance and advice in the first instance³¹.
- The global recession has resulted in a significant change in consumer financial behaviour. Access to affordable credit is essential for struggling households to make ends meet. Without access to fair, affordable credit, vulnerable consumers will face high lending costs and unfair terms and conditions³² and face exposure to scams and aggressive practices from unscrupulous businesses³³.
- Criminal doorstep selling practices are a major cause of consumer detriment and there is often a disproportionate impact on vulnerable consumers, especially the elderly. More than £30 million is paid to illegal doorstep traders every year in the UK³⁴.
- The scale of counterfeiting and piracy in the UK is significant. It was estimated in 2006 that at least £1.3 billion criminal gain is generated by IP crime per annum and that approximately £900 million is estimated to flow back to organised crime³⁵. However, it is likely that these figures seriously underestimate the scale of impact.
- It is estimated that £188 million per worth of household goods are sold per annum on the basis of the measurement of their quantity. Goods bought and sold by measure are particularly important for poorer households in the UK, constituting nearly one third of their total weekly expenditure³⁶. Lack of confidence in measurement can undermine market confidence.

2.0 Programme for Government

Creating a fair and responsible society

2.1 Programme for Government

The Programme for Government³⁷ describes the Government's intentions to transform society through redistributing power and opportunities, and increasing transparency and accountability. This ambitious programme recognises the first priority of Government is to reduce the deficit, but that this is only the first step towards radical public service reform that places the values of freedom, fairness and responsibility centre stage:

"Difficult decisions will have to be taken in the months and years ahead, but we will ensure that fairness is at the heart of those decisions so that all those most in need are protected. Working together, we are confident that we can take the country through difficult times to better days ahead."³⁸

The 31 thematic areas identified in the Programme for Government represent a comprehensive programme for action across Government and its partners. Local regulation, delivered in a collaborative and innovative manner, impacts across a wide range of these themes, as shown below in Figure 2.

2.2 Decentralisation, localism and reducing regulation

The Government's decentralisation programme is giving power back to local people so that they can come together to shape communities in the way that they want³⁹. Centralised control and direction is not the means to achieve change and decentralisation requires central government to take a new role, as set out by the Prime Minister:

"I do not want you and your colleagues [civil servants] to think your role is to guarantee the outcomes we want to see in our public services – or to directly intervene in organisations to try and improve their performance. It's our job – we as politicians, you as civil servants – to create the conditions in which performance will improve, by making sure professionals answer to the public."⁴⁰

Part of this commitment includes reducing the burden of data collected centrally and reducing audit and inspection activity of local authority performance by central bodies and inspectorates, as seen in the abolition of Comprehensive Area Assessment, the area-based assessment of local authorities and partners. Central returns are being replaced by greater transparency and accountability at all levels of Government, enabling the public to hold politicians and public bodies to account. This not only delivers better value for money in public spending and frees up local authorities to play their key role in growth creation but also empowers individuals to become more involved in shaping their communities.

For local authority regulatory services a lack of coherence resulting from the complexity of the wider regulatory system creates duplication, inconsistency and ultimately, unnecessary burdens⁴¹. Through the World Class Coalition, LBRO works government departments and national regulators to promote a co-ordinated approach and to simplify the system, ensuring that data is only provided where it is absolutely necessary and allowing local regulators to focus their resources on delivering outcomes that matter both to local people and the nation as a whole.

Reducing the deficit, redistributing power and delivering outcomes that matter requires a new approach to public service delivery. Government and public service providers are finding innovative ways to encourage, support and empower people to make better choices for themselves. This has led Ministers to advocate a radical change in the culture of Whitehall, promoting alternative approaches that highlight individual responsibility and drive longer term changes in citizen and business behaviour. Where regulatory enforcement is needed to maintain protection, activity should be conducted in a way that supports business growth⁴².

Local authority regulators are well placed to use their understanding of local barriers to compliance to design tailored approaches to enable the delivery of the Coalition ambitions of economic growth and consumer protection at a local level. For example, by making available local information through local approved trader or food hygiene schemes, regulators can support compliant businesses and enable local people to make more informed and responsible choices. LBRO is working to support regulatory officers in delivering these accountable and tailored approaches through a common framework for professional standards, which firmly embeds the use of professional discretion and judgment, intelligence sharing and influencing as core regulatory skills.

It is within this context of decentralisation, reducing regulation and the aspirations of the Programme for Government that LBRO has developed a new approach to national enforcement priorities, a move towards priority regulatory outcomes.

Programme for Government themes⁴³: the potential for local regulation

Business

The Government believes that business is the driver of economic growth and innovation, and that we need to take urgent action to boost enterprise, support green growth and build a new and more responsible economic model. We want to create a fairer and more balanced economy, where we are not so dependent on a narrow range of economic sectors, and where new businesses and economic opportunities are more evenly shared between regions and industries.

Public health

The Government believes that we need action to promote public health, and encourage behaviour change to help people live healthier lives. We need an ambitious strategy to prevent ill-health which harnesses innovative techniques to help people take responsibility for their own health.

Environment, food and rural affairs

The Government believes that we need to protect the environment for future generations, make our economy more environmentally sustainable, and improve our quality of life and wellbeing. We also believe that much more needs to be done to support the farming industry, protect biodiversity and encourage sustainable food production.

Consumer protection

The Government believes that action is needed to protect consumers, particularly the most vulnerable, and to promote greater competition across the economy. We need to promote more responsible corporate and consumer behaviour through greater transparency and by harnessing the insights from behavioural economics and social psychology.

Energy and climate change

The Government believes that climate change is one of the gravest threats we face, and that urgent action at home and abroad is required. We need to use a wide range of levers to cut carbon emissions, decarbonise the economy and support the creation of new green jobs and technologies. We will implement a full programme of measures to fulfil our joint ambitions for a low carbon and eco-friendly economy

Crime and policing

The Government believes that we need radical action to reform our criminal justice system. We need police forces that have greater freedom from Ministerial control and are better able to deal with the crime and anti-social behaviour that blights people's lives, but which are much more accountable to the public they serve.

Communities and local government

The Government believes that it is time for a fundamental shift of power from Westminster to people. We will promote decentralisation and democratic engagement, and we will end the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals.

Figure 2: Programme for Government themes

3.0 Priority Regulatory Outcomes

3.1 The shift from national enforcement priorities

LBRO has a statutory duty under the Regulatory Enforcement and Sanctions Act 2008 to ‘prepare and publish a list specifying those matters to which a local authority should give priority when allocating resources’. Local authorities must have regard to the priorities in allocating resources to their regulatory services functions⁴⁴. These priorities should be based on evidence and prepared in consultation with stakeholders, including local authorities, national regulators and government departments, and business and consumer representatives.

National enforcement priorities for local authority regulatory services were first published by the Rogers Review⁴⁵ in March 2007. The Rogers Review was commissioned by Government in response to evidence within the Hampton report⁴⁶ that the lack of co-ordination between policy departments and local authorities at national level hampered consistency at a local level⁴⁷, and that local authorities would welcome clearer indication of the Government’s priorities for enforcement at the local level. Hampton advised that:

“Determining the relative importance of the regulatory regimes themselves – and what weight the regulatory system should attach to food, as opposed to health and safety – requires the involvement of Government at the centre⁴⁸.”

The Rogers Review, chaired by Peter Rogers, then Chief Executive of Westminster City Council, established the first short set of national enforcement priorities for local authority regulatory services. The Rogers Review used an evidence based methodology to prepare the priorities, working with an expert user group of local authorities and professional bodies, and gathering evidence from national regulators and central government departments. The scope of the review was limited to local authority environmental health and trading standards services and was carried out in a short space of time. The priorities published by the Rogers Review were as follows:

- Air quality, including regulation of pollution from factories and homes
- Alcohol, entertainment and late night refreshment licensing and its enforcement
- Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises
- Improving health in the workplace
- Fair trading (trade description, trade marking, mis-description, doorstep selling)
- Animal and public health (animal and public health, animal movements and identification) – this was identified as a time limited priority by the review.

In 2008, LBRO worked with the Institute of Local Government Studies, University of Birmingham, and seven local authorities in England to assess the impact of the Rogers Review and explore how local authorities had responded to the priorities a year after publication. The research found that although national enforcement priorities had been useful in building reassurance about the importance of regulatory activities, the priorities did not take sufficient account of the importance of local priorities and the need for regulatory services to effectively demonstrate how they were contributing to locally important outcomes⁴⁹.

In addition, it is important to note that setting prescriptive priorities for local delivery from the centre is simply not reflective of the ambitions of Government to decentralise power. It is not the role of central government to intervene in local delivery in order to secure the desired outcomes, but to create the right conditions to ensure effective and accountable local delivery.

In refreshing the national enforcement priorities, LBRO has worked with an expert user group of local authorities and professional and representative bodies, and a policy group comprising of central government departments and national regulators, to develop a new approach that better reflects both local delivery of regulation and the aspirations of Government. This signals a move away from national enforcement priorities towards priority regulatory outcomes.

The shift away from the terminology of national *enforcement* priorities serves also to reflect the breadth of activity local authority regulatory services and partner organisations carry out to support business compliance and prosperity and to protect citizens, workers and the environment. Achieving better outcomes depends on the careful allocation of resources across a range of regulatory activities, such as advice and guidance, education and awareness campaigns, and intelligence sharing, not simply traditional enforcement.

3.2 The need for priority regulatory outcomes

Priority regulatory outcomes set a framework for delivery that will support national economic growth and ensure the protection of citizens across the country. By setting outcome-focused priorities, local authorities are empowered to use local discretion and autonomy to select the most appropriate tools to achieve the priority regulatory outcomes in their locality.

These outcomes, drafted through a collaborative approach between local and national partners, form part of the necessary conditions for effective local delivery by providing an evidence base of regulatory risks and the views of citizens and businesses. The priorities also provide clarity about the outcomes that matter to Government and ensure that regulatory activity can be focused on delivering outcomes rather than ‘ticking boxes’. The selected priorities set out in this consultation report reflect the issues that local citizens and businesses are concerned about, including the quality and safety of the local environment, quality of life issues such as housing, noise and anti social behaviour, and the hygiene and safety of local retail outlets. By focusing on these outcomes, local authorities and their partners will help to achieve the aspirations set out in the Programme for Government, including a fair and responsible society, economic growth and improved quality of life for local people.

3.3 Using the priority outcomes

The priorities listed in this consultation report set out outcomes that all local authorities should *have regard to*⁵⁰ in service planning and resource setting. They do not set out the activities or tools that regulatory services should use to deliver these outcomes in their locality. Priority regulatory outcomes do not replace statutory obligations or local priorities. Instead they describe the outcomes that matter to local people and the aspirations of the Programme for Government.

Local authorities are best placed to understand and respond to the needs of their local communities, including the needs of local businesses. Information gathered by regulatory services through local surveys and engagement, analysis of complaints and intelligence and the views of local elected members will inform the development of local priorities. This enables local authorities to shape their activity under the priority regulatory outcomes to reflect local needs and circumstances, whilst maintaining the important national framework of agreed outcomes that supports the interests of citizens and businesses nationally.

In using the priority regulatory outcomes, local authorities will identify the most appropriate activities and interventions to deliver these outcomes and allocate resources accordingly. To assist local authorities identify the activities that will best deliver the outcomes and meet the needs of their local communities, LBRO has updated its step by step guide⁵¹ to the measuring the outcome and impacts of different regulatory activities.

Embedding the outcome-focused priorities will require local authorities to monitor their progress towards the desired outcomes. However, progress will not be monitored through central bodies and statutory data returns, but through local authorities providing information to local citizens and businesses regarding local performance towards the priority regulatory outcomes. The outcomes and impact guide also provides practical assistance on the development of meaningful indicators that can be used locally to monitor performance and inform local residents.

Table 1: Overview of the priority regulatory outcomes

Priority regulatory outcomes	Regulatory activity that will support delivery ¹ of the outcomes	Link to the Programme for Government	Delivery mechanisms ²
Protect the environment for future generations by tackling the threats and impacts of climate change	<ul style="list-style-type: none"> - Managing the risks and impacts of flooding - Improving energy efficiency in housing 	Environment, Food and Rural Affairs Energy and Climate Change	<ul style="list-style-type: none"> • Increasing focus on the role of consumers in influencing the wider environmental behaviour of businesses and the markets. Consumer-driven campaigns are successful in raising the profile of environmental issues and driving changed behaviour. • Co-ordinated preventative and emergency response action, working with Environment Agency, DEFRA and professional bodies
Improve quality of life and wellbeing by ensuring clean and safe public spaces	<ul style="list-style-type: none"> - Tackling waste and environmental crime - Reducing anti-social behaviour through appropriate alcohol licensing - Improving local housing conditions - Improving local air quality 	Environment, Food and Rural Affairs Crime and Policing Communities	<ul style="list-style-type: none"> • Community action through the Big Society, working with Keep Britain Tidy, local businesses and other interest and action groups. • Encouraging individuals to take responsibility for their environment • Collaborative working between agencies, including local authorities, Environment Agency, National Environmental Crime Team, police and other enforcement agencies.
Help people to live healthier lives by preventing ill health and harm and promoting public health	<ul style="list-style-type: none"> - Protecting employees from injury and ill health at work - Protecting public health through pest control - Reducing the risk and costs of fire in non-domestic premises through fire safety - Minimising health inequalities and negative economic impacts through tobacco control 	Public Health Communities	<ul style="list-style-type: none"> • Providing information and employing innovative techniques to change behaviour, using a variety of means to influence and assist duty holders, businesses and consumers. • Co-ordinated information and enforcement campaigns by local authorities, that engage other local services and community groups and work with business to design solutions

¹ The activity prioritised at a local level is an issue for local authorities to decide, using their own intelligence, analysis of local need and the views of citizens and business. The activity prioritised should contribute to achieving the priority regulatory outcomes.

² The overarching rationale of the Government is that intervention should only occur when necessary, respecting the contribution of individuals.

Table 1: Overview of the priority regulatory outcomes

Priority regulatory outcomes	Regulatory activity that will support delivery ¹ of the outcomes	Link to the Programme for Government	Delivery mechanisms ²
	<ul style="list-style-type: none"> - Protecting young people from the health issues related to excessive alcohol consumption through age restricted sales 		<ul style="list-style-type: none"> • Collaborative working with policy departments, national regulators and professional bodies, including the Health and Safety Executive, Home Office, Communities and Local Government.
<p>Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy</p>	<ul style="list-style-type: none"> - Protecting against public health risks and damage to the farming industry through securing compliance with animal health and welfare legislation - Improving food standards - Preventing food borne disease through better food hygiene and safety 	<p>Environment, Food and Rural Affairs</p> <p>Public Health</p>	<ul style="list-style-type: none"> • Providing information to change consumer behaviour regarding food and nutritional choices, using a variety of means to influence and assist consumers and businesses. This will include joint working with the Department of Health and Food Standards Agency. • Collaborative enforcement and disease control, including DEFRA, Animal Health and local authorities, and supporting better regulation for farming, working with farming industry representatives.
<p>Support enterprise and growth by ensuring a fair, responsible and competitive trading environment</p>	<ul style="list-style-type: none"> - Promoting local prosperity by supporting businesses to achieve compliance - Tackling the issues of intellectual property crime - Protecting consumers and compliant businesses from fraudulent and illegal trading practices 	<p>Business</p> <p>Consumer Protection</p> <p>Culture, Olympics, Media and Sport</p>	<ul style="list-style-type: none"> • Local enterprise partnerships provide an opportunity for businesses and local public services to focus on supporting enterprise in their localities. There is a clear role for regulatory services to contribute to improved support for business, including new and start up businesses. • Primary Authority provides a robust mechanism for local authorities to deliver assured advice to business, reduce burdens and focus on supporting businesses to grow through a relationship of trust and openness. • Co-ordinated enforcement and intelligence sharing involving a range of enforcement bodies, including trading standards, specialist Scambusters, Illegal Money Lending and e-enforcement teams, Office of Fair Trading, Police, and UK Border Agency as well as sectoral regulators. • Promoting greater awareness and responsible consumer behaviour through provision of information, allowing consumers to make informed choices.

Priority Regulatory Outcomes

Summary of the Evidence Collected in Support of the Selected Priorities

4.1 Priority 1

Protect the environment for future generations by tackling the threats and impacts of climate change

The Government believes that climate change is one of the gravest threats facing the country and that urgent action is required. Action by local authorities, public sector agencies, businesses and individuals will be essential to ensure that the UK is preparing adequately for a changing climate. Local regulation provides the opportunity to promote responsible behaviour through advice to businesses and citizens, as well as being the front line of response for environmental emergencies. Globally, it is estimated that the degradation of our planet's ecosystems is costing €50 billion each year and this figure could rise to the equivalent of 7 per cent of global GDP by 2050⁵². England's historical and diverse natural environment needs to be protected and enhanced for future generations to come and regulatory services have an important contributory role to play in reducing the impact through advising businesses and citizens, promoting responsible behaviour and responding to emergencies. The environment has a direct impact on economic prosperity, with evidence showing that four out of every ten farmers believe that climate change is having an effect on their farm now, and a third are already taking action to adapt.⁵³ The threats of climate change and the changing environment also has direct impact on the health and wellbeing of individuals.

The role of local regulation

To meet the long-term challenge that climate change presents, a combination of mitigation (reducing greenhouse gas emissions) and adaptation (changing the way we live to deal with the impacts of climate change) is needed⁵⁴. Regulatory services have an important contributory role to play in reducing the impact through advising businesses and citizens, controlling risks of flooding, working with planning colleagues to promote appropriate land use and minimising public health risks.

Why this matters

Climate change

- The UK's climate is already changing. Temperatures are 1°C higher on average than they were in the 1970s. This warming has been accompanied by more frequent heat waves, more intense rainfall events and rising sea levels.
- Insured losses from weather-related events currently cost the UK £1.5 billion each year on average. The 2007 central England summer floods cost the economy over £3 billion.
- Two thousand people died in the UK as a result of the 2003 heat wave, an event that could become the norm by the end of the century.⁵⁵ It is those least able to cope with climate change – older people, the poor, the sick and the young – who are and will be hardest hit, even in Europe⁵⁶.

Impact on health and wellbeing

- Climate change affects health in two ways – directly, for instance through increased exposure or physical injury as a result of storms or floods, or indirectly by altering ecosystems which can interrupt the supply of water and food or by fostering disease.
- The type of health risks posed by the impacts of climate change include infectious diseases, malnutrition and global food supply shortages due to crop failure, illness related to poor air quality and pollution, trauma and mental health problems caused by extreme weather, cancer and death⁵⁷. If not addressed, climate change will impact negatively, countering the improvements in health and life expectancy achieved so far.
- Changes in the environment and living conditions will bring new risks from pests and the diseases with which they are associated. An example of this is the rise in tick-borne diseases. As cities expand and more houses are built on their wooded outskirts, people will be more exposed to tick-borne diseases, such as Lyme disease and tick-borne encephalitis.
- Many of the measures taken to reduce emissions are themselves likely to have a positive impact on health, for example promoting greener forms of transport such as walking and cycling additionally contributes to improved physical health and improvements in air quality, reducing the risk of respiratory illness.

Flooding and water quality

- Over 5 million people in England and Wales live and work in properties that are at risk of flooding from rivers or the sea⁵⁸. The UK Climate Impact Programme⁵⁹ says the estimated number of homes at risk of flooding is likely to double to about 800,000 within 25 years because of rising sea levels.
- Clean water is one of the most fundamental requirements of human health. Local authority environmental health practitioners are involved in protecting water quality in their areas. As well as sampling the public water supply from time to time, they are responsible for identifying and checking private water supplies⁶⁰. Poor quality and degrading water bodies can affect public health, local amenities, the availability of water services and the attractiveness for new investment⁶¹.
- It is estimated that the risk of flooding from rivers and the sea will at least double by the 2080s, and could increase by up to 20 times, with the cost of flooding rising from the current £1 billion a year to between £1.5 billion and £21 billion⁶².
- Land use is an important tool in managing flood risk. Influencing where to place new development is now recognised as a key tool in managing flood risk; however, this needs to be balanced against other economic, social and environmental needs, including the demand for new housing.

Views of citizens and businesses

- A large number of people recognise climate change as the most important environmental issue facing Britain today and 81% of people say they have taken action over the last year to reduce climate change⁶³. More than 80% of people are willing to make sacrifices to combat it⁶⁴.

- About four in five people want more education and action on climate change, with most people looking to the Government in each case. In particular, people want to know more about what they can do now to adapt for the challenges ahead.
- People are aware that flooding and sea level rise are climate change impacts we are going to see in the UK, but less aware that rising temperatures will create challenges for our cities and transport systems, or that tropical diseases could become more prevalent here⁶⁵.
- A recent poll by MORI showed 73% of large companies were advanced in their understanding of the need for adaptation, yet only 56% of small companies had reached this stage.
- Citizens consulted that had been affected by recent floods agreed on the importance of preventative measures and emergency responses to tackle problems of flooding.

How this contributes to the Programme for Government

This priority supports the Programme for Government themes of Energy and Climate Change and Environment, Food and Rural Affairs. It also contributes to Public Health.

Delivery mechanisms and partners

- As part of the Government's commitment to the Big Society and exploring alternatives way to achieve change, there is an increasing focus on the role of consumers in influencing the wider environmental behaviour of businesses and the markets. Environmental factors are already an important part of many people's decision-making and as the numbers of consumers for 'green' products have risen, prices have fallen. Consumer-driven campaigns such as those against the use of disposable plastic bags in Wales and in favour of reducing food miles have been successful in raising the profile of environmental issues both locally and globally⁶⁶.
- Co-ordinated preventative and emergency response action, working with Environment Agency, DEFRA and professional bodies.

4.2 Priority 2

Improve the quality of life and wellbeing by ensuring clean and safe public spaces

Communities are an important component of people's physical and mental health and wellbeing⁶⁷, including the provision and maintenance of good quality open spaces and improving housing conditions. Evidence shows the more deprived the neighbourhood, the more likely it is to have social and environmental characteristics presenting risks to wellbeing, including poor housing, higher rates of crime and poorer air quality⁶⁸. Clean and safe public spaces also boost the tourism industry across England that is worth £115 billion a year, employs approximately 2.6 million people and supports over 200,000 small businesses⁶⁹.

The role of local regulation

Local authority regulatory services have a duty to maintain the local environment to a high standard by keeping the streets and green spaces clean and free of litter, removing graffiti, dealing with abandoned vehicles and tackling anti-social behaviour, including disorder associated with underage consumption of alcohol and other age-restricted products.

This includes regulating a range of air emissions from some 19,000 mainly industrial installations⁷⁰, and carrying out around 537,000 enforcement actions in 2009-10 to prevent, detect or enforce against fly tipping, with local authorities spending £19.1 million on enforcement action against fly-tipping in 2009-10 (an increase of around 4.3 per cent over 2008-09 expenditure)⁷¹. Over the period from 1997-2009, the number of fixed penalty notices issued for littering has increased from 727 in 1997 to 35,465 in 2008-2009. There has been a steady increase in the number of fines issued for dog related offences; however, the number of the notices issued for dog fouling offences has decreased in recent years⁷².

Why this matters

There are a range of interacting factors that shape wellbeing, including material circumstances, social environment, working conditions, housing and neighbourhood conditions and standards of living⁷³. Clean and green spaces have been associated with a decrease in health complaints, improved mental health and perceived better general health⁷⁴. Poor environmental quality, including nuisance, litter and fly tipping, is critical to the quality of people's lives, impacting on feelings of safety, health and wellbeing. In a wider sense, poor local environmental quality can cause other social and economic problems – communities can become more prone to crime and vandalism, and attracting economic investment becomes much more difficult⁷⁵.

Fly tipping, litter and illegal waste

- Nearly 947,000 fly tipping incidents were dealt with by local authorities in England⁷⁶ in 2009-2010. 49% of all fly-tips cleared by local authorities occurred on the highway and 63% of fly-tips dealt with by local authorities involved household waste⁷⁷. The estimated cost of clearance of illegally dumped waste reported by local authorities in this period was £45.8 million⁷⁸.

- Over 30 million tonnes of litter are collected from the streets every year and it costs £858 million a year to clean the streets of England⁷⁹, an increase of almost £100 million in the last year.
- 37% of residents surveyed across England think that rubbish or litter lying around is a very big or fairly big problem in their local area and 33% of people think vandalism, graffiti and other deliberate damage is a very big or fairly big problem⁸⁰. Cigarette litter is the biggest litter problem, with 54% of people surveyed by Keep Britain Tidy listing cigarette litter as a particular problem in their local area⁸¹.
- Illegal waste sites and the illegal dumping of waste have a number of environmental and health impacts, including poor air quality, contamination of land and water pollution, as well as damaging the interests of legitimate waste management businesses. Over 800 illegal waste sites have been identified⁸² and of these, 280 have been identified as posing a higher risk to the environment and are a cause for concern for local communities.

Contaminated land

- Contaminated land can cause harm to human health, water supplies, natural habitats and property. Contamination may arise because the land has previously been used for industrial or other economic purposes, or because it contains naturally occurring substances such as metals or gases which may cause pollution or harm.
- It has been estimated that up to 100,000 sites (representing 300,000 hectares of land) across England and Wales are contaminated and that between 5 and 20% require action to ensure that unacceptable risks of harm or pollution are mitigated⁸³. This is important due to increasing need to reuse such land for housing.

Air quality

- There is clear evidence of the adverse effects of air pollution, especially for those suffering from existing cardio-respiratory diseases. It is estimated that each year in the UK, short term air pollution is associated with between 12,000 to 24,000 premature deaths. Poorer communities tend to experience higher concentrations of pollution and have a higher prevalence of cardio-respiratory and other diseases⁸⁴.
- Air pollution is still expected to reduce life expectancy of every person in the UK by an average of 6 months, with estimated annual health cost of up to £317 billion. Susceptive groups include children, the elderly and those living in poorer conurbations – often due to the increased levels of industry in the area.⁸⁵
- Air pollution can cause irritation of the lungs and can exacerbate existing respiratory conditions, including asthma.
- Local communities rely on regulatory intervention to improve local air quality and to reduce health impacts from poor air quality, especially where local people have little control over emissions. Improving air quality is important to improving the health and wellbeing of the population, especially those susceptible to respiratory diseases such as asthma and reducing health inequalities⁸⁶.

Nuisance and anti-social behaviour

- The Home Office typology of anti social behaviour includes the misuse of public space, such as substance misuse, street drinking, and abandoned vehicles; disregard for personal wellbeing, including rowdy behaviour and noise nuisance; and environmental damage, such as littering, fly-tipping and graffiti⁸⁷.
- Environmental noise affects quality of life and causes annoyance. Current research is unclear about the effects of noise on health, including whether excess noise weakens the immune system and how noise-induced stress can lead to physiological problems. However, excess noise is commonly blamed for sleep disturbance and there are links to cardiovascular and mental health problems, and reduced performance in schoolchildren⁸⁸.
- 29% of 12-17 year olds in the UK report some form of anti-social behaviour after drinking. Reports of criminal damage and theft were higher among those who drank at least once a week in comparison to those who drank less frequently or not at all⁸⁹.
- In a survey on the impact of anti social behaviour on quality of life, noisy neighbours resulted in the biggest impact on quality of life, with 40% of people surveyed experiencing a high impact⁹⁰.

Housing conditions

- Unfit or poor housing conditions can be defined⁹¹ as where housing is in need of substantial repairs; is structurally unsafe; is damp, cold, or infested; or is lacking in modern facilities such as an effective central heating system. The Housing Health and Safety Rating System provides an assessment of unfit housing.
- In 2008, 44% of private rented housing was declared non decent (as defined by the Housing Health and Safety Rating System), equating to approximately 1.5 million households. This is a problem that disproportionately affects the most vulnerable in society with 57% of vulnerable households in the private rented sector living in non decent housing⁹².
- Shelter has estimated that 1.4 million children in England live in poor housing as a result of overcrowding and unfit conditions. Research on the impact of poor housing on children found that housing conditions affected virtually all aspects of a child's health and wellbeing, including mental health, educational attainment and physical wellbeing. Children living in bad housing are nearly twice as likely to leave school without any GCSEs⁹³, are almost twice as likely to suffer from poor health as other children and are also more likely to suffer a long-term illness or disability than other children⁹⁴.
- Children living in unfit and overcrowded accommodation are almost a third more likely to suffer respiratory problems such as chest problems, breathing difficulties, asthma and bronchitis than other children. One in four children living in unfit housing attends Accident and Emergency in a year compared with one in five of other children⁹⁵. More than 60,000 mothers in Britain are suffering clinical depression while living in bad housing.

- Cold housing is a health risk. Cold is believed to be the main explanation for the extra winter deaths occurring each year and in 2008-2009, there were 36,700 additional deaths in England and Wales over the winter period⁹⁶. Fuel poverty, defined as when a household needs to spend more than 10% of its income to sustain satisfactory heating, affects over half of all single pensioner households and two thirds of workless households⁹⁷.

Views of citizens and businesses

- The Word on our Street survey carried out by Keep Britain Tidy in 2009⁹⁸ revealed that the appearance of the local area was the public's biggest concern after the credit crunch and violent crime, scoring as highly as the public's concern with terrorism. 63% of respondents were concerned about the appearance of the local area. As part of the survey, members of the public were asked how much of a problem certain local environmental quality issues were in their area and how important it was to them that money was spent on tackling the problems. The priorities stated by members of the public were litter and dog fouling, followed by vandalism, fly tipping and abandoned vehicles.
- The 2008 Place Survey⁹⁹ provided an insight into citizens' concerns and views of their local communities. The survey found that:
 - 51% of residents surveyed across England feel very safe or safe after dark when outside in their local area. Regarding anti social behaviour, teenagers hanging around the streets caused the most concern with 43% thinking this was a very big or fairly big problem in their local area.
 - 37% of respondents think that rubbish or litter lying around was a very big or fairly big problem in their local area and 33% of people think vandalism, graffiti and other deliberate damage was a very big or fairly big problem.
 - The most important things that people thought made an area a good place to live included the level of crime (61%), clean streets (45%) and decent housing (33%).
 - The things that people thought most needed improving in their local area included activities for teenagers (46%), the level of crime (31%) and clean streets (28%).
- During consultation events with local communities¹⁰⁰, litter and the importance of clean streets was a consistent theme and priority for local residents. One group commented on the particular problems of fly-tipping in rural areas. Noise was cited as a significant cause of stress and having a negative impact on individuals' quality of life. Businesses recognised that relevant regulations help to ensure clean and safe streets for local residents and but also for local businesses to operate in¹⁰¹.

How this contributes to the Programme for Government

This priority supports the Programme For Government themes of Communities and Local Government and Environment, Food and Rural Affairs.

Delivery mechanisms and partners

- Community action through the Big Society, working with Keep Britain Tidy, other interest and action groups.
- Collaborative working between agencies, including local authorities, Environment Agency, National Environmental Crime Team, police and other enforcement agencies.

4.3 Priority 3

Help people to live healthier lives by preventing ill health and harm and promoting public health

The Government believes that action is needed to promote public health and encourage behaviour change to help people live healthier lives. Preventing ill health requires an ambitious strategy and innovative techniques to help people take responsibility for their own health. The Marmot Review of health inequalities in England concluded that creating a fairer society is fundamental to improving the health of the whole population¹⁰². The economic performance of the nation is affected by the general health of the population, which may also depend on the prevalence of work related ill health¹⁰³. Reducing health inequalities requires a focus on the health behaviours of smoking, alcohol consumption, obesity and unhealthy nutrition¹⁰⁴.

The role of local regulation

Local and national decisions made in schools, workplaces, at home and in government services all have the potential to help ill health prevention. The diseases that contribute to dramatically shortened lives are often linked to lifestyle, including alcohol, tobacco, poor nutrition and obesity¹⁰⁵ and it is in this regard that regulatory services have an important and unique contribution to make to preventing ill health and harm and reducing health inequalities. Fire and rescue authorities also have a wide duty to promote fire safety within their communities, through the provision of information, publicity and encouragement about fire prevention, allowing them to support active fire safety management and regulatory compliance in the commercial sector.

Local authorities in England have regulatory responsibility for health and safety for almost 12 million employees and approximately 965,000 premises¹⁰⁶, and deliver pest control services to protect the public from diseases related to the estimated 20 million rats that inhabit Britain's streets, sewers and waterways. Regulatory services seek to reduce the underage sale of age restricted products, such as alcohol, tobacco, aerosol sprays, fireworks and knives that cause harm and damage the health of young people. They also work to reduce the serious risks posed by unsafe and counterfeit products, including healthcare products and electrical goods which do not meet required safety standards.

Why this matters

Alcohol and tobacco

- In England today, over a fifth of the adult population smokes – 8.8 million people¹⁰⁷. Smoking is one of the most significant factors underlying health inequalities and life expectancy and as such, a key focus of improving public health. Although smoking rates are in decline, tobacco remains the major preventable cause of premature death and disease and will do so for years to come.
- In 2008, over 80,000 people in England died prematurely from a smoking-related disease, and, approximately a fifth of all deaths in middle age are attributable to smoking¹⁰⁸. Smoking is the single largest preventable cause of cancer. Over one in four of all cancers are attributable to tobacco use, and 90% of lung cancer is directly attributable to smoking¹⁰⁹.

- The current level of tobacco use is estimated to cost the NHS around £2.7 billion every year. In 2007/08 in England there were approximately 440,000 hospital admissions of adults aged 35 and over with a primary diagnosis of a disease that was caused by smoking, equating to approximately 1,200 admissions per day on average¹¹⁰.
- Tobacco use also has a significant impact on the wider economy – through lost productivity and other costs. Smokers take an average of eight days a year more sick leave than non-smokers, and the current level of smoking costs the economy about £2.5 billion each year in terms of sick leave and lost productivity alone¹¹¹.
- Each year in England, an estimated 200,000 children and young people start smoking¹¹², although the last decade has seen a significant decline in the smoking rate among young people aged 11–15 years old, from 11% in 1998 to 6% in 2008.
- The distribution network for illicit tobacco¹¹³ is unregulated, making tobacco easily accessible to children and young people¹¹⁴. The affordability of tobacco products particularly affects youth uptake, since young people are very sensitive to price¹¹⁵. As well as making tobacco more affordable, illicit tobacco undermines other tobacco control measures (such as age-of-sale restrictions) and often does not display health warnings.
- Smoke free legislation has achieved high rates of compliance and is achieving positive impact, protecting millions of workers from the harms of second hand smoke. It is estimated that smoke free legislation will prevent up to 40,000 premature deaths over the next 10 years¹¹⁶, including through associated quit attempts by smokers.
- It is estimated that the cost of alcohol related harm to the NHS in England is £2.7 billion. In 2007/08 there were 863,300 alcohol related admissions to hospital, representing an increase of 69% since 2002/03, and 6,541 deaths directly attributable to alcohol¹¹⁷.
- Excessive alcohol consumption can lead to certain types of cancer, memory loss or brain damage, increased risk of heart disease and certain types of stroke and liver disease. Guidance issued by the Chief Medical Officer highlights the particular impacts of excessive consumption of alcohol on children¹¹⁸.
- The amount invested by businesses in the retail and pub trade on compliance with age restricted sales legislation is in the region of £20 million each year¹¹⁹. In 2007, 20% of school pupils aged 11 to 15 reported drinking alcohol in the week prior to interview; this figure is lower than 2001, when 26% of pupils reported drinking in the last week. Those pupils who drank in the last week consumed an average of 12.7 units¹²⁰. A survey of 15-16 years old in the North West reported that although binge drinking was found across all socioeconomic groups it was more common among those living in deprived areas¹²¹.

Health, safety and wellbeing at work

- Jobs that fail to protect employees from stress and danger make people ill¹²². Enforcement of health and safety aims to prevent harm and ill health in the workplace, and historical evidence suggests that as the economy grows, there will be a growing trend of injury rates in the workplace as new workers are hired.
- In 2008-2009 in England, 40 people were fatally injured, 6371 workers suffered major injuries, 24347 workers suffered injuries which kept them off work for longer than 3 days and 5835 members of the public suffered non fatal injuries¹²³.

- In 2007, 1890 people died from mesothelioma, accounting for 1 in 40 of all UK male cancer deaths¹²⁴. There were a further 96 deaths due to asbestosis and thousands more died as a result of other occupational cancers and lung diseases.
- Reductions in injuries and level of ill health primarily benefits workers, but also benefits businesses and society as a whole. The costs of injury and ill health impact disproportionately on small businesses. Costs of injuries and ill health can be significant¹²⁵ and include lost production, opportunity costs, lost income and costs to health services. It is estimated that the total costs of work related ill health in England are up to £14.7 billion per annum and up to £9.1 billion for injuries. Workplace incidents cost up to £18 billion in property damage and business interruption each year.
- In 2008-2009, there were 24.8 million working days lost overall in England, 20.6 million of these were due to work related ill health and 4.1 million due to workplace injury¹²⁶. GPs are more likely to see people suffering from work related stress, musculoskeletal disorders, skin or respiratory disease than any other work-related reason¹²⁷.
- The rate of fatal injury to employees has fallen between 1999 and 2009 and the rate of employee major injury¹²⁸ fell by 19% between 1999 and 2009. There has been a statistically significant fall since 2002 for both injury absence and days lost from work related illness¹²⁹.

Fire safety

- Fire safety policy aims to reduce the incidence of fires, deaths and injuries in all non-domestic premises in England.
- In 2009/10, there were 13, 420 incidences of primary fires in non domestic buildings, down by 2% on the previous year (13,699). These incidences resulted in 22 fire fatalities (representing less than 7% of all fire deaths) and 1,000 injuries, down by 3% on the previous year (1,100)¹³⁰.
- Fire imposes significant costs on the economy. The latest published estimates of the cost of fire, calculated in 2004, show that the total cost to the economy per annum through fires in commercial and public sector buildings was estimated at £3.24 billion, and of that cost, £796 million was attributable to the consequences of fire, consisting of property damage, lost business, the economic cost of injuries and fatalities and the costs associated with prosecuting deliberate fire starters¹³¹.

Pest control

- Pest control protects public health and avoids ill health as a result of pest related diseases. These diseases include asthma, allergies, stress and general ill health, viruses, tick borne diseases and malaria, yellow fever, dengue fever and encephalitis. Many common allergic reactions, notably asthma and eczema in children, may start as a result of exposure to pests such as cockroaches and house dust mites. Avoiding ill health as a result of these diseases has clear economic and social benefits to both individuals and society as a whole, contributing to wellbeing and quality of life¹³².

- Poorly constructed and maintained properties, urban sprawl, litter, international travel and the onset of climate change are all factors that increase exposure to pests and pest related diseases. Rising atmospheric CO₂ and climate change due to global warming will undoubtedly affect the distribution and proliferation of insects and the diseases they carry.
- Rodents are the species most commonly associated with pest control. The full extent of the rodent problem is not known but there are estimated to be between 10 and 20 million brown rats¹³³ inhabiting Britain's streets, sewers and waterways. Rats and mice present a great risk to human health, especially to people whose health is already compromised, and are also linked to medical problems associated with asthma and indoor allergic reactions.
- Certain insects also pose dangers. Flies and cockroaches, in particular, can spread numerous disease-causing bacteria, viruses and protozoa. Cockroaches are one of the most significant and objectionable pests found in apartments, homes, food-handling establishments, hospitals and health care facilities worldwide. Poor sanitation, disrepair and clutter contribute to large populations of cockroaches.
- The evidence that relates asthma and domestic exposure to cockroaches, mice, and dust mites is clear. While mortality from asthma is low, the daily burden for sufferers is substantial and the economic cost to society high. It is estimated that 5.4 million people in the UK are currently receiving treatment for asthma, of which 1.1 million are children, and that the cost of asthma to the NHS each year is £1 billion¹³⁴. In the UK, 39% of children have been diagnosed with one or more allergies and direct NHS cost of managing them is estimated at over £1 billion annually.
- Rodents also cause damage to buildings and installations, creating a significant risk of fire. Burrowing rats can cause landslides or the collapse of banks of canals leading to flooding. Damage to infrastructure by rats costs the British economy between £61.9 million and £209 million per year.

Views of citizens and businesses

- The estimated costs to the economy of work related and other ill health through lost productivity make promoting public health a significant issue for businesses and employers. Consultation with businesses supported this finding. Many health and safety regulations were viewed as helpful, with the way they can be enforced being the issue¹³⁵. Businesses value being able to get advice and support on compliance without fearing prosecution.
- A 2009 stakeholder survey showed that 84% of company chief executives view health and safety requirements as being beneficial to their business¹³⁶ and businesses involved in food handling¹³⁷ view pest control as particularly important. However, businesses consulted also emphasised the role of individuals in taking some responsibility for their own wellbeing¹³⁸.
- Public perception surveys of tobacco control measures reveal that 84% of citizens are concerned about young people starting to smoke¹³⁹. Citizen consultation events reflected this concern, with citizens concerned about the underage sale of alcohol and tobacco, but also products such as knives and fireworks that cause significant harm to young people and others¹⁴⁰. Citizens commented on the difficulty faced by businesses in controlling underage sales, especially the issue of proxy sales.

- Businesses consulted recognised the importance of preventing underage sales and the retail sector has provided a comprehensive view on the issues regarding age restricted products in a recent report published on behalf of LBRO¹⁴¹. The sale of these products is governed by 18 separate pieces of legislation that span the responsibilities of six government departments. This legislation has developed piecemeal over time and as a consequence there are a number of different rules that apply, particularly in terms of offences and defences. The complexity of the legal requirements increases the training and vigilance required by businesses that sell more than one product category which our survey found many retail businesses do. This has obvious cost implications for businesses and enforcers. Businesses recommend that making the law regarding age restricted products simpler and fairer through deregulation, recognising and supporting business compliance and promoting consistent, fair and effective enforcement.

How this contributes to the Programme for Government

This priority supports the Programme For Government theme of Public Health, and also influences Business and Communities and Local Government.

Delivery mechanisms and partners

- In line with Government commitments and the recently published White Paper *Choosing Health*, there will be greater emphasis on providing information and employing innovative techniques to change behaviour, using a variety of means to influence and assist duty holders, businesses and consumers.
- Co-ordinated information and enforcement campaigns by local authorities, which engage other local services and community groups and work with business to design solutions.
- Collaborative working with policy departments, national regulators and professional bodies, including the Health and Safety Executive, Home Office, Communities and Local Government.

4.4 Priority 4

Ensure a safe, health and sustainable food chain for the benefit of consumers and the rural economy

Currently, about half of the food consumed in the UK is imported¹⁴². In addition, the increase in food imports and internet sourcing of food represent significant changes in consumer behaviour and demographics¹⁴³. The Government believes that much more needs to be done to support the farming industry and encourage sustainable food production here in the UK. UK farming incomes have shown long term decline since the 1960s, yet this trend is now showing signs of reverse¹⁴⁴. Across the UK, there are approximately 300,000 active farms, and farmers are responsible for managing around 75 per cent of the UK's surface area and maintaining the countryside, making farming a key part of the economy and landscape. To support this industry, it is important to ensure a safe, healthy and sustainable food chain that benefits consumers and the rural economy.

The role of local regulation

Animal diseases can be spread by direct contact and animal movements can accelerate this process dramatically. Enforcement at critical control points (CCPs) of markets, slaughterhouses, high risk farms and ports reduces the risk of the introduction or spread of notifiable disease across England and Wales.

Enforcement of food safety law ensures that food purchases are produced, transported and sold in line with requirements and ultimately, that food is safe to eat. Food standards labelling ensure that consumers are informed about the nature and composition of food. Misleading labelling or claims can endanger people's health, defraud consumers or give rise to ethical issues, such as halal foods. Delivery of food safety and consumer protection across the food chain is shared by a number of agencies and delivery partners, including local authorities, Food Standards Agency, DEFRA and Animal Health.

In 2008-9, more than 500,000 interventions in food premises were carried out by local authorities. The local knowledge and responsiveness of local authority regulatory services are essential in delivering targeted interventions aimed at high risk, persistently non-compliant food businesses.

Why this matters

Diet and nutrition

- Poor diet is recognised as one of the main causes of ill-health and premature death. It has been estimated that approximately one third of deaths from heart disease and a quarter of deaths from cancer can be attributed to poor diet. With an increasing proportion of the population being classified as overweight or obese – which increases the risk of developing a range of chronic illnesses including heart disease, high blood pressure and type 2 diabetes – the public health implications of poor diets are becoming more significant¹⁴⁵.

- In 2008, almost a quarter of adults in England were classified as obese, whilst 16% of children aged between 2-15 years old were classed as obese. There have marked increases in the prevalence of obesity in the last two decades, and in 2008, the number of prescription items dispensed for the treatment of obesity was 1.28 million; ten times the number in 1999)¹⁴⁶.

Food borne disease

- The consumption of unsafe or unfit food can give rise to food borne disease. During 2008-9, approximately 80,000 known food premises were rated as non-compliant with food safety legislation at a level that exposes consumers to risk and over 250,000 establishments inspected by local authorities showed scope for improvement¹⁴⁷.
- Food borne disease is a major cause of illness in the UK and imposes a significant burden on individuals, healthcare services and the economy. It is estimated that each year in the UK around 1 million people suffer a food related illness, which leads to 20,000 people receiving hospital treatment and 500 deaths each year from food borne disease¹⁴⁸. The cost of this amount of food borne disease on the UK as a whole and on local communities is very high.
- The cost to the economy of food borne disease is estimated to be in the order of £1.5 billion per annum, due to loss of production, health care costs and damage to business. This does not include the costs of major incidents and food scares and there is evidence that those costs can be very large, including the estimation of the total cost of the foot and mouth crisis over the 2001-4 periods to be £4.7 billion, representing roughly half a percent of UK GDP¹⁴⁹.
- Food may also be contaminated by harmful levels of chemicals, such as Sudan dyes. The 2005 Sudan dye contamination cost businesses in the region of £100 million, with more than 600 products recalled. The fraudulent addition of chemicals to foodstuffs, for example the addition of methanol to counterfeit vodka, can have extremely serious health implications for consumers¹⁵⁰. Food scares reduce consumer confidence in the safety of their food, which induces large adjustments in demand, destabilises markets, and harms food producers. It can also impose large costs on other sectors of the economy.

Farmed animal health and welfare

- Animal disease that can be passed from animals to humans (zoonotic disease) can present an immediate public health issue, such as avian influenza.
- As well as the public health risks, disease outbreaks can have devastating impacts on the farming industry. Whilst avian influenza outbreaks have been managed in the UK through effective disease control, evidence shows that the outbreak of the H5N1 strain of Avian Influenza (HPAI) in 2003-2004 in South East Asia led to more than 140 million birds being destroyed with estimated losses to the poultry industry in excess of \$10 billion¹⁵¹. In the UK, it has been estimated that the Foot-and-Mouth Disease (FMD) reduced revenue from tourism by £7.5 billion, or 13%, in 2001. The related loss of value added in the sector over the entire period of the FMD crisis was almost £2 billion. The lower level of economic activity also reduced tax revenue by an estimated £581 million in 2001 and £379 million in 2002¹⁵². The 2007 FMD outbreak cost an additional £147 million to the UK¹⁵³.

- The BSE outbreak restricted UK exports for many years and continues to impose financial burdens on the industry. Disease outbreaks bring restrictions on the movement of animals and sale of animals at markets. Other impacts include the psychological impact on local farming communities, the threat to livelihoods and a dramatic reduction in tourism¹⁵⁴.
- Bovine TB in cattle is recognised as one of the most difficult animal health problems facing UK farmers. Bovine TB is having a serious impact on many farm businesses and families, especially in the West and South West of England. Thousands of cattle are slaughtered each year at huge financial and emotional cost to farmers. The area of England affected by bovine TB has grown from isolated pockets in the late 1980s to cover large areas of the West and South West of England. The incidence rate has been rising for 25 years with the cost to Government of controlling bovine TB in England at over £63 million in 2009/10¹⁵⁵.

Views of citizens and businesses

- The Consumer Attitudes to Food Survey¹⁵⁶ provides an insight into the importance of food issues to consumers over time. Since the initial survey in 2000, the number of people concerned about food issues such as food poisoning, additives and food safety in general has stayed steady. There are trends relating to increased awareness and reported consumption of 'five a day'. Citizen consultation events carried out in addition highlighted some concern with stores selling out of date food¹⁵⁷.
- Food labels remain important to shoppers looking for a range of information such as 'best before' dates, allergy advice and additives in food. Half of respondents said they check some form of labelling information when buying food. The amounts of fat, saturated fat, salt and sugar in foods are still the top issues of concern among consumers and the quantities of fat and salt are the most commonly checked for nutritional information on labels.
- Nine of out ten respondents stated that healthy eating is important to them, and 87% believed that a limited budget is not a barrier to healthy eating¹⁵⁸.
- Food enforcement is very important particularly to small business. Research carried out by Kings College showed the majority of businesses relied on local authority interactions to make them aware of legal requirements and that face to face advice was the most effective way of achieving business compliance¹⁵⁹. Consultation with the LBRO business reference panel also highlighted support with food related regulations as priority for business¹⁶⁰.

How this contributes to the Programme for Government

This priority supports the Programme For Government theme Environment, Food and Rural Affairs.

Delivery mechanisms and partners

- In line with Government commitments and the recently published White Paper *Choosing Health*, there will be greater emphasis on providing information and employing innovative techniques to change consumer behaviour regarding food and nutritional choices, using a variety of means to influence and assist consumers and

businesses. This will include joint working with the Department of Health and Food Standards Agency.

- Collaborative enforcement and disease control. The closer working between partners at both local and national level, including DEFRA, Animal Health and local authorities, on animal disease control has led to enhanced standards across England and in turn improved compliance. Disease outbreaks that have occurred in the last five years have been contained and dealt with quickly, illustrating the good working practices that have been developed across the delivery landscape. It is estimated that that measures introduced since the 2001 FMD outbreak would result in significant cost reductions in the event of a similar outbreak, saving in the region of £7.5 billion¹⁶¹.

The evidence above represents a summary of the information received from national regulators, government departments, and professional bodies contributing to the review process, alongside the results of informal consultation exercises held with citizen and business groups across England. During the evidence gathering process, it was apparent that some regulatory policy areas are not the subject of research or data collection and as such, there was a lack of supporting evidence. LBRO and the Better Regulation Executive are committed to ensuring that regulatory policy development is evidence-based and inclusive, while ensuring that unnecessary data burdens on local authorities are reduced. More information on LBRO's work can be found on the LBRO website at www.lbro.org.uk.

4.5 Priority 5

Support enterprise and growth by ensuring a fair, responsible and competitive trading environment for consumers and business

The Government is committed to creating a fair and responsible society. These values also underpin the trading environment where action is needed to protect consumers, particularly the most vulnerable, and to promote greater competition across the economy. The direct impact of the financial crisis and the ensuing global recession have materially changed the conditions affecting business¹⁶², yet as consumer choice and competition drive economic growth, fair trading has a vital role to play in economic growth. The burden of regulation remains a significant concern for UK businesses and needs to be addressed at both national and local level. The regulatory system as a whole and local regulators individually need to tailor their approaches to support businesses into compliance in a way that meets their needs¹⁶³. The frequent contact between local regulators and business enables regulatory services to provide professional, tailored advice to businesses to help them comply and prosper. This role is especially important for smaller businesses and approximately 30 per cent of businesses in the UK are micro businesses, employing less than 5 employees.

The role of local regulation

Local authorities deliver consumer protection and support for businesses through a range of activities, including providing consumer education and increasing awareness, establishing trader accreditation schemes, delivering tailored advice and guidance to businesses, gathering intelligence and carrying out targeted and risk-based enforcement to tackle illegal trading practices and ensure fair competition.

The consumer protection work of local authority regulatory services aims to ensure that consumers are not deceived about the nature or quality of goods or services, and consumers, especially the most vulnerable in society, are not subjected to unscrupulous sales tactics or pressure selling. Informed, confident consumers drive and demand innovation in the economy and building consumer confidence in markets is particularly important in relation to online markets. Since 2006, local authority Scambusters¹⁶⁴ teams have uncovered an estimated £30 million of fraud, saved consumers an estimated £5.2 million and seized assets of £4.5 million. Local authority illegal money lending teams have helped over 10,000 victims since 2004, writing over illegal debts worth more than £30 million¹⁶⁵. The work of local authority trading standards services delivers total savings to UK consumers of at least £347 million a year and every £1 spent on activity delivers direct consumer savings of at least £6¹⁶⁶.

Why this matters

Supporting enterprise

- There are 4.8 million small businesses in the UK and 95% of small businesses employ less than 5 people. Small businesses contribute more than 50% of the UK turnover and employ more than 59% of the private sector workforce¹⁶⁷. In 2008, there were 270,000 business 'births' in the UK, compared to 219,000 business 'deaths'. The highest business death rate occurred in accommodation and food services with a business 'death' rate of 13.1%, compared to an overall rate of 9.4%¹⁶⁸.

- Businesses want proportionate and consistent enforcement, which is targeted at non-compliant businesses, ensuring a fairer playing field for the businesses that do invest in compliance. Businesses welcome an approach that is focused on enabling enterprise by providing assured guidance and advice in the first instance. Guidance should be accessible, practical and legally defensible, with a 'twin-track' structure to support preferences for both rules and principles-based approaches. Regulatory advice needs to be tailored to meet businesses' needs and clearly distinguish between minimum requirements and best practice¹⁶⁹.
- Businesses welcome a strengthened relationship with local regulators. Such 'progressive partnerships' should be founded on mutual trust and understanding and aim to achieve compliance in a way that is cost and time effective for both parties. Businesses are keen to ensure that shrinking local resources result in innovative approaches with increased focus on business needs, rather than reduced levels of support. Approaches should be designed in close collaboration with local business partners and delivered at a level that balances the benefits of local contact against efficiency, consistency and effective management of risk¹⁷⁰.

Fair trading

- Each year, a third of British adults experience at least one known consumer problem that results in financial loss and, allegedly, is caused by a trader treating them unfairly. In total, they experience over 26 million problems and £6.6 billion worth of detriment¹⁷¹.
- Criminal doorstep selling practices are a major cause of consumer detriment and in 2009/2010, Consumer Direct recorded more than 66,000 complaints about doorstep selling in the UK. Many more go unreported. The estimated average amount of money paid in each incident is £2,000 and more than £30 million is paid to illegal doorstep traders every year in the UK¹⁷². There is often a disproportionate impact on vulnerable consumers, especially the elderly, who are often specifically targeted and in some cases, repeatedly targeted.
- Each year British adults suffer £750 million of financial loss due to misleading prices¹⁷³. The OFT internet shopping market study estimated that shoppers could be paying £60 million to £100 million a year in unexpected additional charges due to online traders' practice of advertising an upfront price and then adding charges in the later stages of the purchase¹⁷⁴.
- UK consumers lose around £3.5 billion to scams every year. Nearly half of the UK adult population has been targeted by a scam and that every year one in 15 people (3.2 million adults) in the UK fall victim to a scam involving deceptive unsolicited mailings, phone calls, or emails. The average amount lost per scam was £850. The worst effects of such scams are often felt by the most vulnerable members of society, not only in terms of financial losses but also emotional harm. Scams also have a wider impact on the economy, undermining consumer confidence in legitimate direct marketing. Ticket counterfeiting and scams are a concern ahead of the 2012 Olympic Games as it is estimated that consumers lost an estimated £5 million due to ticket scams ahead of the Beijing Olympics in 2008¹⁷⁵.
- The rise of internet trading presents risks to consumers. In the UK in 2008, 57% of individuals had ordered goods or services over the internet and in 2008, the value of online retail sales was £48 billion, an increase of 10% on the previous year¹⁷⁶.

- It is estimated that approximately £188 million per worth of household goods are sold per annum on the basis of the measurement of their quantity. Goods bought and sold by measure are particularly important for poorer households in the UK, constituting nearly one third of their total weekly expenditure¹⁷⁷. A system of weights and measures which is accurate, reliable and fair is a fundamental part of an efficient trading economy and a fair marketplace. The National Audit Office has noted that sales of commodities such as petrol are often dependent upon small margins and incorrect measures can distort markets¹⁷⁸ and disadvantage legitimate traders.

Intellectual property crime

- Intellectual property (IP) crime damages economic wellbeing, poses considerable health and safety risks to consumers and those engaged in IP crime are often found to be involved in other criminality and serious organised crime¹⁷⁹. IP crime damages economic growth due to lost sales and devalued brands, increased IP protection costs and lower levels of innovation, whilst also increasing the burden on the public purse through lost tax revenue¹⁸⁰.
- The scale of counterfeiting and piracy in the UK is significant. It was estimated in 2006 that at least £1.3 billion criminal gain is generated by IP crime per annum and that approximately £900 million is estimated to flow back to organised crime¹⁸¹. However, it is likely that these figures seriously underestimate the scale of impact. In 2008, the OECD revised its figures upwards to estimate the impact of global trade in counterfeit and pirated products at \$250 billion per annum. Many industry sectors also state that the loss to business is far higher than the 2006 estimate, for example:
 - the clothing and footwear industry estimate losses of £3.5 billion per year¹⁸².
 - digital media sector estimates losses for £531 million each year from copyright theft¹⁸³.
 - the UK music industry estimate losses of £200 million in 2009¹⁸⁴ and there are reported losses of £1 billion through illegal software installed in the UK¹⁸⁵.
 - £2.4 billion in tax revenue is lost per year as a result of intellectual property crime, notably from counterfeit cigarettes¹⁸⁶.
- New threats are emerging, including changes to consumer shopping habits, distribution methods adopted by counterfeiters and the increasing role of the internet. Internet auction sites and web based product wholesalers are often used by those involved in IP crime and continue to feature as one of the main routes to market for criminals wanting to supply infringing goods¹⁸⁷. The 2012 London Olympics presents considerable opportunities for IP crime, endangering businesses and consumers, and threatening UK tax revenue.
- Counterfeit copies of age-restricted products, such as alcohol and tobacco products, present additional risks to consumer safety, undermine Government objectives regarding alcohol and tobacco control and circumvent market surveillance programmes.

- Illicit tobacco is available in various places in communities, including workplaces, pubs, markets, car boot sales and on the street. As well as undermining attempts to reduce smoking rates, and placing smokers at greater risk of harm due to the unknown chemicals included within the fake tobacco products, the availability of illicit tobacco harms legitimate businesses. In 2006, about £3 billion in revenue was lost to HM Treasury due to smuggled and counterfeit tobacco products¹⁸⁸. The illicit market for smuggled and counterfeit cigarettes has fallen considerably since the start of the decade – from 21% to 10% in 2007/08. However, across the UK, a significant amount of tobacco is still sold illegally and the market share of illicit hand-rolled tobacco is 47%.

Debt and credit issues

- In 2009, the total UK household debt stood at nearly £1.5 trillion. Excluding mortgages, the average household debt is £9,600¹⁸⁹. Whilst mortgage debt makes up the vast bulk of total household debt in the UK, unsecured debt (unsecured loans and credit cards) has grown considerably over the past five years.
- The global recession has resulted in a significant change in consumer financial behaviour. Access to affordable credit is essential for struggling households to make ends meet. With mainstream lenders becoming more risk-averse and rationing credit by applying tighter lending criteria, evidence suggests that financial exclusion will grow. Without access to fair, affordable credit, vulnerable consumers will face high lending costs and unfair terms and conditions¹⁹⁰ and face exposure to scams and aggressive practices from unscrupulous businesses¹⁹¹.
- Payday lending is a form of short term credit whereby the borrower either gives the creditor some form of security against a loan to be repaid on their next payday. Payday lending is a relatively new form of lending in the high-cost credit market in the UK. Many payday loan companies quote APR rates of around 1,200%, although it is noted that this varies substantially between companies and depends on the amount borrowed. Research carried out by the Office of Fair Trading on high cost credit implies a demand for payday loans from another half a million adults. With 1.2 million borrowers in 2009, this suggests growth in borrower numbers of around 40-45%¹⁹².
- There is a risk that loan sharks could further prosper if payday loans were no longer available as many borrowers do not have access to a full range of alternative forms of credit. Loan sharks prey on the most vulnerable in society, using threats, intimidation and violence in order to obtain repayments. Research shows that the total amount of money lent by illegal money lenders is approximately £40 million per annum, with repayments to these lenders totalling around £120 million per annum¹⁹³.
- In 2007, it was estimated that there were approximately 165,000 households in the UK using illegal money lenders, and that approximately half of these are located in the most deprived communities. Illegal money lenders operate primarily in urban areas with high proportions of rented accommodation and evidence shows that users of illegal money lenders are more likely to live in conditions of poverty, are overwhelmingly long term unemployed and are often single mothers living in social housing¹⁹⁴. Illegal lending is estimate to affect 3% of low income households and 6% of households in the most deprived areas¹⁹⁵.

Product safety

- Approximately 10% of imported consumer goods sampled are found to be unsafe or incorrectly labelled. Data show that risks arising from unsafe products include choking, electric shock, strangulation, fire and burns, and suffocation and injuries to individuals¹⁹⁶. Often those most at risk are the most vulnerable members of society, including the elderly and young people. In the UK, 31% of recorded injuries in the home, many involving unsafe or defective goods, are to children under the age of 15 and 21% affect adults aged over 65 years old¹⁹⁷. Goods coming through the major port of Felixstowe alone account for 95,000 injuries each year, 100 fires and 3 deaths every year¹⁹⁸.
- Cheap goods are the most common source of unsafe products, most notably electrical goods, toys and fireworks¹⁹⁹. The negative impact on UK consumers, businesses and public services of unsafe imported goods is £155 million per annum. This impact includes injury or death, damage to property and impact on business continuity. Research shows that every pound invested in monitoring the safety of imported goods arriving into UK ports produces £40 benefit. The average cost of a product recall to a business is around £39,000 and many businesses, especially smaller businesses, do not take out recall insurance.

Views of citizens and businesses

- Businesses welcome proportionate enforcement in the interests of maintaining fair competition in the marketplace²⁰⁰, and agreed that good regulation is important to provide assurance to consumers. However, the consistency of local authority advice remains a concern for business²⁰¹. Businesses consulted felt there is a lack of compliance support for business start ups and they would value tailored guidance on how to achieve compliance during the early stages of establishing a business²⁰².
- Businesses consulted generally felt that regulatory services were supportive businesses were open about the issues they faces and businesses welcome advisory visits from regulators. Previous familiarisation visits from fire safety officers were highlighted as useful and some businesses were concerned about recent changes to the Fire Regulatory Reform Order²⁰³, and would welcome more step by step guidance²⁰⁴. Some businesses consulted stated that they can be afraid to ask for advice from regulators.
- A consumer survey for the Office of Fair Trading found that although three quarters of consumers believe they are protected, consumers tend to opt for the category of fairly rather than very well protected. The main reason why consumers feel they are not protected is a lack of knowledge about their rights (38%)²⁰⁵
- Research suggests that 7% of British adults have felt unfairly pressurised to buy from home maintenance salespeople calling at the door²⁰⁶ and another survey found that 96% of respondents to a consumer survey did not want uninvited doorstep selling²⁰⁷.
- A fair competitive market place will give consumers choice on the price and quality of the goods they purchase but criminal activity can undermine consumer confidence and activities in the informal economy leave consumers with little or no rights and routes for redress. Business reputation can be devalued in the eyes of consumers, and change purchasing behaviour to the detriment of businesses, especially smaller retailers and legitimate market traders.

- Fair competition includes weights and measures, enabling consumers to be confident that they are getting what they pay for. A survey by the National Consumer Council suggests that consumers are generally confident about the accuracies of the quantities being sold but they are most concerned in areas of high value and high volume transactions e.g. petrol stations and supermarkets²⁰⁸. Retailers interviewed were agreed that the market could not regulate itself and that legislation was necessary to ensure fair measure²⁰⁹. Targeted enforcement maintains fair competition and ensures that households and the most vulnerable do not fall prey to opportunistic business practice.
- Consumer demand for counterfeit products remains high. Citizens consulted generally felt that people were aware that were buying 'fake' goods and that problems arose when consumers were misled, paying the full price of a legitimate brand or goods²¹⁰.
- Counterfeiting has a clear impact on local businesses such as corner shops selling cigarettes. Trade associations remain concerned that the volume of illicit and counterfeit products product available means that fewer customers are entering their shops to buy cigarettes so they lose trade and extra spending that would have taken place²¹¹.

How this contributes to the Programme for Government

This priority supports the Programme for Government themes of Consumer Protection and Business.

Delivery mechanisms and partners

- Local enterprise partnerships provide an opportunity for businesses and local public services to focus on supporting enterprise in their localities. There is a clear role for regulatory services to contribute to improved support for business, including new and start up businesses.
- Primary Authority provides a robust mechanism for local authorities to deliver assured advice to business, reduce burdens and focus on supporting businesses to grow through a relationship of trust and openness.
- Co-ordinated enforcement and intelligence sharing involving a range of enforcement bodies, including trading standards, specialist Scambusters, Illegal Money Lending and e-enforcement teams, Office of Fair Trading, Police, and UK Border Agency as well as sectoral regulators.
- Promoting greater awareness and responsible consumer behaviour through provision of information, allowing consumers to make informed choices. As an example, this will involve reducing consumer demand for counterfeit products, ensuring that consumers understand the risks posed by IP crime, in particular the potential health and safety and wider security risks they may be exposing themselves to.²¹²

Annex 1

Methodology

The review adopted an evidence-based approach to refreshing the national enforcement priorities, working closely with a range of stakeholders and interested parties. The review was carried out in accordance with the requirements of the Regulatory Enforcement and Sanctions Act 2008, section 11.

The expert user group

To assist the LBRO team carrying out the review, an expert user group was formed, including representatives from local authorities, professional bodies, and representative groups. The membership of the expert user group is listed under acknowledgements at the front of this report.

The role of the expert group was to provide professional expertise and judgment, support evidence gathering and advise on the approach taken to refreshing the national enforcement priorities. The terms of reference for the group were as follows:

- To agree the approach to refreshing the national enforcement priorities for England, as first published by the Rogers Review.
- To explore the impact and outcomes of policy areas delivered by local authority regulatory services.
- To support LBRO in gathering and assessing evidence on the impact and outcomes of policy areas delivered by local authority regulatory services.
- To assist LBRO in compiling a draft set of priorities for formal consultation.
- To consider responses received to the consultation exercise and reflect on appropriate amendments to the draft priorities.
- To assist LBRO in preparing a final set of priorities for consideration and approval by the Secretary of State.

The policy working group

To assist with the identification of evidence on regulatory risks and threats across England, LBRO also formed a policy working group with representatives from national regulators and central government departments that hold policy responsibilities that impact on local regulation or work collaboratively with local authority regulatory services.

Business and citizen consultation

The review carried out informal consultation with citizens and businesses to support the preparation of the draft priority regulatory outcomes. These discussion meetings were hosted by a number of local authorities across England, building on existing communication channels.

Ministerial engagement

In line with the requirements of the Regulatory Enforcement and Sanctions Act, the final selection of priorities is subject to Ministerial consent.

Figure 3 below describes the process used to draft priority regulatory outcomes for formal consultation.

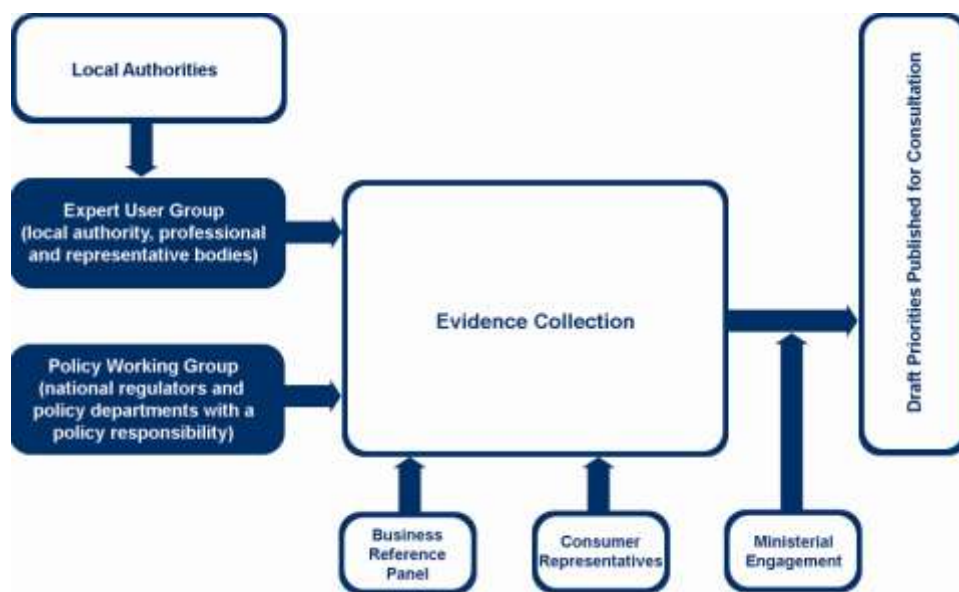


Figure 3: Overview of the process used to develop priority regulatory outcomes

Identifying the scope of the review

The review began by identifying the policy areas that local authority regulatory services in England are responsible for implementing²¹³. In line with LBRO’s statutory responsibilities, local authority regulatory services were defined as trading standards, environmental health, licensing and fire safety²¹⁴. Other local regulatory functions, including planning and building control, were not considered.

The long list of policy areas in scope for the review is shown below:

1	Air quality monitoring
2	Alcohol licensing
3	Animal health, animal movements and identification
4	Approval of food manufacturing premises
5	Availability of environmental impact information and accuracy
6	Bringing empty property into use
7	Business names use and display
8	Consumer credit
9	Consumer credit advertising
10	Contaminated land
11	Control of gambling establishments
12	Control over the sale of poisons
13	Controlling smoking in public places
14	Dealing with hazardous conditions in houses of multiple occupation
15	Display of prices
16	Doorstep selling (criminal activity and fraudulent trading practices)
17	Ensuring labelling of measuring and weighing equipment is correct
18	Ensuring local environmental quality

19	Ensuring nutritional standards of food
20	Ensuring the maintenance and safety of sewerage and drainage
21	Exhumations
22	Explosives and fireworks
23	Farmed animal welfare
24	Fire safety (not domestic premises)
25	Fire safety in houses of multiple occupation
26	Flooding
27	Fly tipping
28	Food standards (labelling and composition)
29	Grading and marking of animal feed/ agricultural produce
30	Health and safety at work
31	Health and safety of private rented housing
32	Housing renewal areas (co-ordinated approach to regeneration)
33	Hygiene of businesses selling distributing and manufacturing food and the safety and fitness of food in the premises
34	Illegal money lending
35	Illegal tobacco
36	Imported food (excludes products of animal origin)
37	Improving health and wellbeing in the workplace
38	Infectious disease control
39	Intellectual property crime
40	Licensing of houses in multiple occupation
41	Licensing of premises for companion and other animals
42	Local air quality plans
43	Misleading claims
44	Misleading prices
45	Noise mapping
46	Overloaded vehicles
47	Pest control
48	Preventing and controlling noise nuisances
49	Preventing excess packaging
50	Preventing sale of un roadworthy vehicles
51	Product safety
52	Protection of statutory rights for consumers
53	Publication of car fuel consumption and approval markings on energy-consuming appliances
54	Radiation monitoring
55	Regulation of pollution from factories and homes
56	Removal of unauthorised campers
57	Safety and wholesomeness of foodstuffs
58	Safety in the workplace
59	Seizure of stray dogs
60	Storage and safety of petroleum
61	Street trading licensing
62	Sunday trading hours
63	Taxi licensing
64	Tenancy advertising and payment offences

65	Underage sales
66	Unfair business practices
67	Unfair contract terms
68	Weights and measures (short measures/fraudulent use of equipment)
69	Wild animals licensing

Identifying the impact and outcomes of regulatory policy areas

The review focused on developing outcome-focused priorities, and the next stage involving identifying the primary impact of each listed policy area, namely economic, social or environmental impact. It was recognised that many policy areas delivered multiple impacts.

The policy areas were then grouped into wider themes, identifying a shortlist of 23 cross cutting themes, as listed below:

1	Air quality
2	Alcohol and entertainment licensing
3	Animal health
4	Food hygiene and safety
5	Energy and climate change
6	Housing renewal
7	Consumer protection
8	Credit and advertising
9	Land issues
10	Tobacco
11	Housing and HMOs
12	Pricing
13	Illegal and fraudulent trading practices
14	Metrology
15	Local environmental quality/ street scene
16	Food standards
17	Fire safety (not domestic premises)
18	Health, safety and wellbeing in the workplace
19	Public health
20	Animal licensing
21	Vehicle safety
22	Product safety
23	Age restricted sales

Collecting detailed evidence

National regulators, central government departments and partners provided supporting data and evidence to demonstrate the impact, scale and extent of regulatory risk and threats in each of the shortlisted themes. The evidence collected sought to answer the following questions:

- What outcome is the policy issue/ theme seeking to achieve?
- What impact or harm is caused by the issue to the local community? What are the most serious threats or risks?

- What is the extent of the impact or the harm caused?
- Who has responsibility for achieving the outcome or policy aim?
- How is the outcome or policy aim being achieved? What type and level of regulatory intervention is currently taking place? What are the major initiatives taking place?
- Using available data, what is the impact of regulatory responses on the outcome or policy aim?
- Are there changes taking place that impact on the outcome or policy aim?
- Are new threats or risks emerging that may influence the achievement of the outcome or policy aim?
- How important is regulatory intervention to local communities?
- How important is regulatory intervention to businesses?
- What is the contribution of regulatory intervention in achieving wider policy aims and local priorities?

In some policy areas, there was a lack of data and evidence on the scale of the harm or the impact of regulatory intervention. In addition, some research relates to the UK as a whole, rather than separate data for England. Only where specific data was unavailable for England, appropriate UK figures were considered.

Consultation with citizens and business

The review carried out a small number of discussion meetings with citizens and businesses, hosted by local authorities across England, about local regulation to inform the preparation of the priorities. Meetings were hosted by:

- North West Leicestershire District Council
- Gravesham Borough Council
- Cambridgeshire Business Partnership
- Stratford upon Avon District Council
- North East Lincolnshire Council

In addition, a discussion was held with the LBRO Business Reference Panel. Discussions focused on identifying issues of concern to local businesses and citizens.

Assessing evidence to identify a national enforcement priority

The evidence gathered and the feedback received from citizens and business was assessed against a number of criteria to help form draft priority outcomes, considering:

- The level of threat or harm posed
- The importance of the outcome to citizens and business
- Whether the outcomes contribute to the aspirations of the Programme for Government

Table 1, contained in the main body of the report, summarises the draft priority regulatory outcomes, the links to the Programme for Government, and suggested areas of regulatory activity that the evidence gathered suggested may contribute to achieving the outcomes.

Annex 2

About this consultation

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory code of practice to which public authorities must comply. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances.

Comments or complaints

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

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 - Air quality – reducing air pollution
 - Alcohol licensing – protecting people from the effects of the misuse of alcohol through licensing.
 - Hygiene of food businesses – preventing food poisoning
 - Improving health in the workplace
 - Fair trading – protecting the vulnerable from scams and rogue traders
 - Animal and public health
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