

## Retail Enforcement Pilot Stakeholder Briefing 1

October 2008

**LBRO**  
Local Better Regulation Office

### Welcome

As key stakeholders of LBRO, we would like to welcome you to our first newsletter briefing on the Retail Enforcement Pilot (otherwise known as REP).

We know that many of you have had a keen interest in the development of REP and we hope that this newsletter will keep you informed and up to date with all that is happening with the pilot.

### Approach and Application

The Retail Enforcement Pilot is a key government initiative to find new ways of reducing unnecessary inspection burdens on law-abiding retailers.

Central government is committed to reducing the burden of inspections on businesses, whilst maintaining protection for consumers and employees. In 2005 the Department of Trade and Industry (DTI) commenced a pilot in response to representations made to DTI from business, especially larger retailers, about inconsistencies in regulatory enforcement. Evidence was provided of inconsistent practices across a range of local authority regulatory services, including environmental health, trading standards, fire, building control and planning.

A preliminary investigation found that local authorities tended to work in regulatory silos which resulted in duplication of effort; there was much scope for improvement of coordination of central regulators and local government delivery mechanisms which resulted in silo mentality between regulatory disciplines. The lack of communication between environmental health and trading standards services led to a fragmented and non-prioritised service delivery.

The initial project brief and overarching policy objectives of the Pilot were to promote partnership between enforcement agencies (central and local government) concerned with the retail sector in order to:

- agree common standards across local authorities;
- promote best practice; and
- set up a one stop shop, to ensure visits to retailers are planned to avoid multiple visits, with a remit to resolve conflicting requirements between enforcers and to direct calls for advice and guidance to the right place.

The most widely accepted driver for REP was to reduce the number of planned inspections on broadly compliant businesses. It was identified at an early stage that making cashable savings was not an objective and that all savings would be used to improve the quality of front line services.

Focusing on end-to-end operational delivery of policy objectives, the Pilot identified main areas of regulatory services which included trading standards, environmental health (food safety, health and safety) and fire authorities, all of which undertake planned inspections of a common retail 'client'. Some authorities also had a similar approach to licensing of premises, which gave further scope for collaborative working and this shaped the scope of the Pilot's work.

The Pilot brought together business, central government policy owners and local authority officers to work collectively on identifying and testing new ways of working. Five local authorities agreed to take part – the London Borough of Bexley and London Fire Service, Warwickshire County Council, Warwick District Council, Stratford-Upon-Avon District Council and North Warwick Borough Council.

Since then, the authorities taking part in the pilot have grown and this newsletter brings you up to date on what is happening with REP.

### New Home for Retail Enforcement Pilot

The Local Better Regulation Office (LBRO) took responsibility for running REP from the Better Regulation Executive on 1 September 2008 and will look to compile lessons learned from the scheme, which it will turn into practical guides for local regulators.

LBRO has been supporting BRE in delivering the pilot for several months, including most recently working with the individual authorities and clusters taking part. Clive Grace, the LBRO Chair, said:

"The Retail Enforcement Pilot was set up to test new ways of reducing the burden of inspection on compliant businesses and helping local authorities make the best use of limited resources to protect consumers, workers and the environment. The pilot will provide invaluable insight into what works in terms of achieving those outcomes and, following Parliament's decision to establish LBRO as a statutory body, now is the perfect time for us to take responsibility for it. The pilot is not the only way of reducing burdens or improving intelligence, but does provide some important evidence about what works."

Sir William Sargent, Executive Chair of BRE, said:

"REP is an innovative project that has proven a useful vehicle for understanding the way regulators can work together better at a local level. I am really pleased that LBRO is taking it over; it is ideally placed to deliver real change for businesses and local authorities countrywide."

### Participating Authorities

Some 30 local authorities have been involved in the pilot, which sees local authority officers from different disciplines – trading standards, environmental health, licensing and fire safety – work more closely together.

Each of the local authorities involved in the pilot signed up to test these new approaches for 12 months.

Several authorities have already completed their pilot work. They are:

- **Warwickshire**
  - Warwickshire County Council
  - Warwick District Council
  - North Warwickshire Borough Council
  - Stratford upon Avon District Council
- **Bexley**
  - Bexley Council
  - London Fire Brigade
- **Camden**

A series of other authorities continue to be involved with the pilot. They are:

- **City of London**
- **Cornwall**
  - North Cornwall District Council
  - Restormel Borough Council
  - Kerrier District Council
  - Cornwall County Council
  - Cornwall Fire and Rescue Service
- **South Yorkshire**
  - Barnsley Metropolitan Borough Council
  - South Yorkshire Fire and Rescue Service
- **Association of Greater Manchester Authorities**
  - Bolton Metropolitan Borough Council
  - Blackburn with Darwen Borough Council
  - Bury Metropolitan Borough Council
  - Manchester City Council
  - Oldham Metropolitan Borough Council
  - Rochdale Metropolitan Borough Council
  - Salford City Council
  - Stockport Metropolitan Borough Council
  - Tameside Metropolitan Borough Council
  - Trafford Metropolitan Borough Council
  - Warrington Borough Council
  - Wigan Metropolitan Borough Council
  - Greater Manchester Fire and Rescue Service
- **Torbay**
  - Torbay Council
  - Devon and Somerset Fire and Rescue
- **Hampshire**
  - Fareham Borough Council
  - Havant Borough Council
  - Test Valley Borough Council
  - East Hampshire District Council
  - Hampshire County Council
  - Hampshire Fire and Rescue Service

## 1<sup>st</sup> LBRO REP User Group Meeting



Delegates from the REP authorities pictured with Robin Dahlberg, LBRO Board member, Graham Russell, LBRO Chief Executive and other members of LBRO Executive team responsible for REP

The first meeting of representatives from pilot cluster authorities took place at the LBRO offices in Birmingham on 4 September.

Robin Dahlberg, LBRO Board member, welcomed delegates who were able to share progress, experiences and best practice on their implementation of REP to date.

The meeting focused on LBRO's role, which is to work with the authorities that have taken part in the Retail Enforcement Pilot to produce 'lessons learned' briefings for all local authority regulatory services.

It is envisaged these briefings will help the greatest number of local authorities to reduce the burdens on business, improve consumer protection and run services more efficiently and it is intended that they will start to be shared among authorities including case studies featuring those authorities that took part in the pilot.

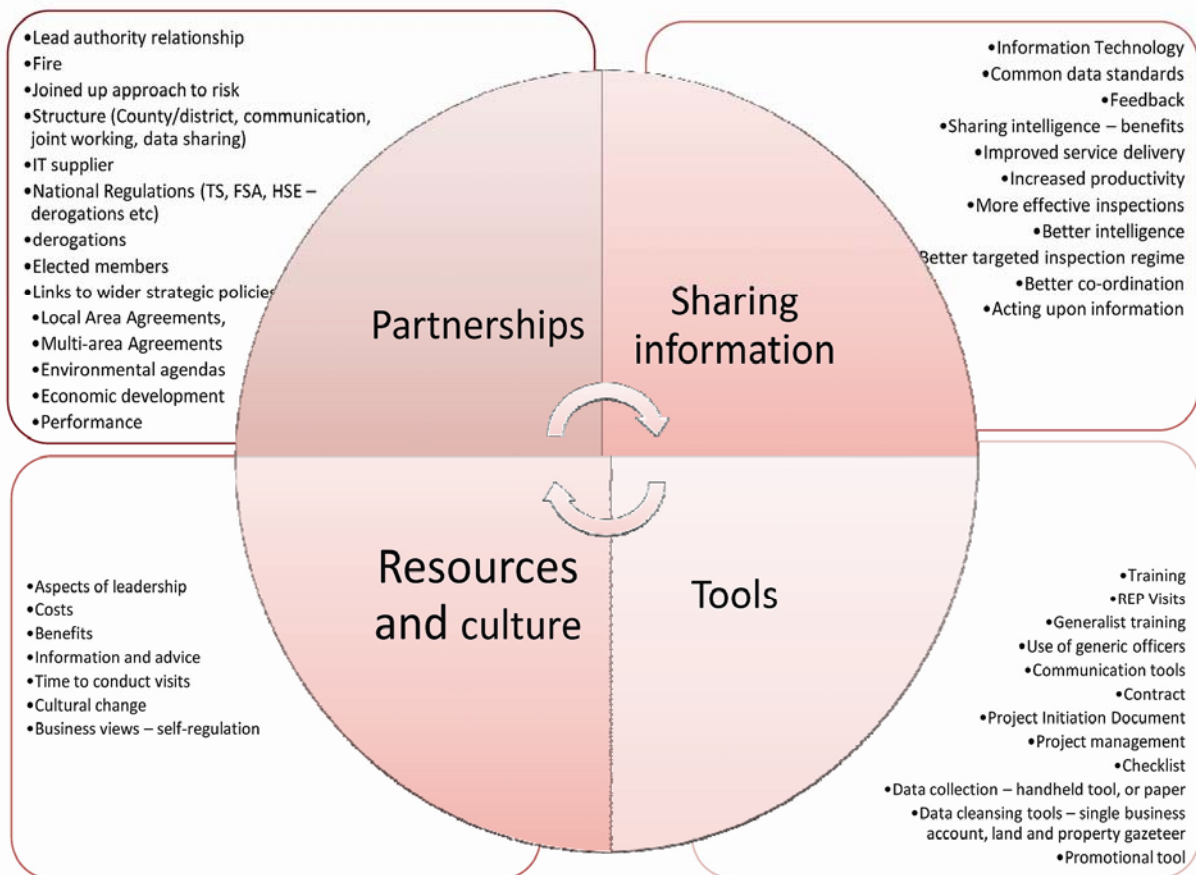
### Retail Enforcement Pilot – Learning the Lessons

LBRO will use a variety of methods to collect the lessons and this will include focus groups, structured one to one interviews and case study methods.

In addition, LBRO is seeking lessons from authorities who are using comparative models to embed the better regulation principles and these findings will be considered alongside those gained from the REP clusters.

There are four consistent cross cutting themes that LBRO will look at in producing the lessons learned briefings:

1. **Working in partnership** – the pilot was set up to bring local authority services together to improve inspection and enforcement.
2. **Sharing information** – a key issue for local regulators is how they can share information about businesses in a way that enables.
3. **Technology and other tools for the job** – authorities taking part in the pilot have been given the freedom to use a wide range of technology, ensuring the widest possible spread of relevant experience in data collection.
4. **Resources and culture** – the pilot will provide useful insight into the impact of both resources and culture on local authority regulatory services. The lessons learned briefings will consider how a shift in focus and resources towards targeted inspections has worked alongside the impact of advice services and other enforcement campaigns. It will also look at how officers in authorities have responded to the pilot.



The lessons learned by the authorities taking part will be shared with other regulatory services to help improve enforcement across the United Kingdom.

We are currently working with BRE to ensure our lessons learned framework addresses the broader approach to assessing the overall pilot.

## Testing REP Methodology in a Business Environment

In addition to the four themes above an assessment of lessons learned from a business perspective will be undertaken.

The Hampton review made several recommendations, some of which were very pertinent to business:

- reducing inspections where risks are low, but increasing them where necessary;
- making much more use of advice, applying the principle of risk assessment;
- substantially reducing the need for form-filling and other regulatory information requirements;
- applying tougher and more consistent penalties where necessary; and
- reducing the number of regulators that businesses deal with from thirty-one to seven.

In addition to these recommendations, several key principles were identified that were relevant to business:

- businesses should not have to give unnecessary information, nor give the same piece of information twice;
- the few businesses that persistently break regulations should be identified quickly and face proportionate and meaningful sanctions;
- regulators should provide authoritative, accessible advice easily and cheaply; and
- regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

In view of these recommendations and principles, an assessment will be made of the lessons learned through talking to business, by attempting to understand whether REP was a positive experience for business, and if it addressed some of the recommendations and key principles highlighted in the Hampton Review.

## Keeping You Up To Date

Over the next 12 months LBRO will be engaged in a series of activities which will entail capturing and disseminating the lessons learned.

**Further details will be published on our website at [www.lbro.org.uk](http://www.lbro.org.uk) or you can contact Grahaeme Dodge, LBRO Project Manager, on 0121 226 4000.**