

Retail Enforcement Pilot Stakeholder Briefing 2

April 2009



Introduction

This is the second stakeholder briefing from the Local Better Regulation Office (LBRO) on the Retail Enforcement Pilot (REP). Previously, we outlined the basic principles of REP and how this innovative approach to regulation is bringing together business, central government policy owners and local authority officers to work collectively to reduce the burden of administration for businesses and local authorities. This briefing identifies the progress made, the approach taken in gathering the lessons learned and the plans for the upcoming months. Since the inception of REP back in 2004, some 31 local authorities along with colleagues from Fire & Rescue Services have formed nine pilot clusters. By the end of April 2009, seven of the clusters will have completed their pilot phase with the remainder scheduled to complete during May and June 2009.

Approach and Application

Local authority regulatory services (LARS) involved with the pilot have applied the basic rule that all high risk premises (using the five risk assessment schemes most commonly used within environmental health and trading standards) are subject to a full inspection carried out by a qualified officer. Premises which are classified as 'broadly compliant' (which equates to approx. 75% to 80% of premises) are subject to a REP inspection. This entails an enforcement officer conducting a full inspection in their appropriate discipline but, with the added requirement to complete the REP checklist. The checklist is designed to provide feedback and acts as the 'eyes and ears' for the other regulatory disciplines. Any reported failure in compliance against the topics within the checklist generates an intelligence lead to the relevant LARS who then decides on the appropriate actions to take.

This approach facilitates the provision of the key benefits of REP i.e.

- frees up time for officers to investigate non-compliant premises and focus on rogue traders; and
- reduces the burden on business by reducing the time owners of compliant premises spend with regulators.

As an alternative to the checklist method, the approach taken by the Greater Manchester Public Protection Partnership (GMPPP) was more integrated and they conceived the pilot as a research and development project. They looked at the high level objectives, explored the business needs, challenged some of the assumptions, and designed an ICT solution that differed from the current blueprint. The aim was to ensure that any solution adopted was best fit and designed to meet well researched business needs.

GMPPP developed a Business Compliance Audit (BCA) which required officers to carry out an assessment of the premise and its' management against a list of topics. This audit is performed totally independent of a normal full inspection. The evaluation made during these audits determined the level of compliance of the premise. Any failure results in a referral being made to the appropriate regulator with the type and severity of the referral dictating if there is a need for a follow up inspection by an appropriately qualified officer.

The BCA approach has been tested and analysed and the results are currently under review. Currently GMPPP are working closely with Salford University on the production of a knowledge development module to support officers in carrying out audits whilst a further strand of work undertaken by the GMPPP is the development and possible adoption of a unified risk assessment model.

Work in Progress

Gathering Lessons Learned

The piloting of REP has been challenging and all of the clusters have reported that they have had issues in several areas while rolling out the concept. These challenges have centred on four key areas, namely:

- sharing information;
- partnership working;
- tools; and
- resources and culture.

Since October 2008, LBRO have carried out interviews with senior officers and focus groups from each of the clusters and encouraged discussions about these four key areas. We have been able to capture quality feedback from all involved and this will enable us to provide comprehensive guidance when the comments are incorporated into a Lessons Learned Report.

LBRO tendered for the consolidation of the lessons learned phase of the project and we are pleased to say that the contract was awarded to Middlesex University Ventures Ltd.

Their brief is to:

- review and consolidate all of the interviews;
- review and report on the approach taken in gathering the information;
- carry out the three remaining focus group meetings; and
- analyse and draw conclusions in readiness for a wider dissemination to LARS.

Not all of the interviews which have taken place were with officers belonging to partnerships involved in the pilot. Several interviews have been conducted with officers who decided to introduce the REP concept in their own authority or in conjunction with other like-minded authorities.

Their feedback, along with the interviews with the REP pilot clusters, will help to make our Lessons Learned Report an eclectic representation of experiences and will provide a broader view of best practice to future partnerships.

Case Studies – Impact on Business

To complete the review of REP we have commissioned Cumbria University to carry out interviews during March and April with six businesses which have been subject to a REP visit. Representatives from Cumbria University will be exploring the business experience of REP. The results have been presented to a focus group of representatives from business to validate the findings.

The business groups who were approached to take part in the focus group meetings were:

- British Contract Furnishing and Design Association
- Food and Drink Federation
- CBI
- British Retail Consortium
- British Chamber of Commerce
- Forum of Private Business
- Federation of Small Business
- Association of Convenience Stores
- Federation of Wholesale Distributors
- Institute of Directors
- National Association of Master Bakers
- National Federation of Retail Newsagents
- National Federation of Sub Postmasters
- National Market Traders Federation
- Rural SHOP Alliance
- The British Hospitality Association
- British Hardware Retailers Federation

Next Steps

Over the next few months, LBRO will continue to support the delivery of the project by the three remaining live clusters and work with the REP User Group on the development of the Lessons Learned Report and the review of the case study findings. We will offer guidance to any new partnerships being established who are considering embarking on a REP type approach to enforcement and we will continue our dialogue with national regulators and share our findings with the World Class Coalition in order to influence changes to the Code of Practices to accommodate the different approach to regulation brought about by REP.

Middlesex University will continue the development of the lessons learned and will:

- provide a further update of the lessons learned to the REP User Group at a meeting planned for June 2009;
- produce and present a draft report for review to the REP User Group during Sept 2009; and
- present a final report to the LBRO Board during October 2009. This will include a scoping document for the design and provision of a toolkit which will provide guidance to potential partnerships embarking on a REP type regime.

For the development of the case studies report, Cumbria University will:

- analyse and collate the feedback from the interviews with 6 premise owners and produce a draft report detailing the key points;
- carry out two focus groups meetings to review the findings from the interviews; and
- consolidate the findings from the focus groups and case studies and present a report to the LBRO Board.

Further details will be published on our website at www.lbpro.org.uk or you can contact Grahaeme Dodge, LBRO Project Manager, on 0121 226 4000.