

## ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:-	Sustainable Communities Scrutiny Panel
2.	Date:-	21 <sup>st</sup> April 2011
3.	Title:-	Priority Regulatory Outcomes; A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services
4.	Directorate:-	Neighbourhoods and Adult Services

### 5. Summary

The Government is holding a consultation on creating the conditions for a simpler regulatory system which will allow services to maximise local outcomes by reducing the regulatory burdens on business and ensuring the protection of the public. The key thrust of this is to introduce for the first time a set of regulatory priority outcomes.

The document was published by the Local Better Regulation Office on Monday, 7<sup>th</sup> February 2011 and the consultation period ends on 6<sup>th</sup> May 2011.

This consultation identifies proposals to replace the existing national enforcement priorities for England with broader priority regulatory outcomes. The Paper seeks to reflect issues of concern to local citizens and businesses, 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. To this end the Paper proposes five Enforcement Priorities with identified outcomes.

In line with new corporate reporting protocols on Government consultations this consultation is assessed as being “strategic” and, therefore, requires scrutiny and Cabinet consideration. Due to the time restraints of the consultation period the report is required, instead of Performance & Scrutiny Overview Committee, to be considered at the Sustainable Communities Scrutiny Panel meeting. Cabinet Member for Safe and Attractive Neighbourhoods has been briefed on the consultation and will make direct contribution within the reporting process.

### 6. Recommendations

**It is recommended that the Sustainable Communities Scrutiny Panel considers the detail of the report and makes its considerations relating to the corporate response to the Government consultation to the Cabinet meeting scheduled for the 27<sup>th</sup> April 2011.**

## 7. Proposals and Details

The proposed changes to the National Enforcement Priorities are part of the current Government's drive to decentralise power to individuals and communities, focusing public services on the needs of the public and business. The consultation report, prepared by the Local Better Regulation Office, and in the longer term to be overseen by the Department for Business, Innovation and Skills, sets out a changed approach to national enforcement priorities for local authority regulatory services that reflects this commitment to devolve power to the local level and empower the public and businesses to hold public services to account as part of the Big Society.

Local authority regulatory services of Environmental Health, Trading Standards, 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. The economic, social and environmental impact of regulatory activity means that regulatory services are an important asset to communities, citizens and businesses.

The *Priority Regulatory Outcomes; A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services* seeks to replace the National Enforcement Priorities established in March 2007 in the Rogers Report, *National enforcement priorities for local authority regulatory services*. The suggested new priorities broaden the scope of the priorities to place emphasis on partnership working and the involvement of members of the public and business to achieve the desired outcomes and in doing so re-brands the priorities as "Priority Regulatory Outcomes".

This shift has been based on research that 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 outcomes.

Importantly, the priorities listed in this consultation report set out outcomes that the Government states that 'all local authorities should *have regard to* in service planning and resource setting' (*Priority Regulatory Outcomes A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services* p 18).

Consequently the consultation paper suggests five new priorities with desired outcomes and delivery mechanisms. These are shown in Appendix 1 but can be summarised as follows;

- **Priority 1: Protect the environment for future generations by tackling the threats and impacts of climate change.**
  - **What is Important:** Climate Change, Impact on Health and Wellbeing managing the risks and impacts of Flooding and Water Quality, measures to influence energy efficiency, co-ordinating emergency responses.
- **Priority 2: Improve quality of life and wellbeing by ensuring clean and safe public spaces**
  - **What is Important:** Fly-Tipping, litter and illegal waste, Contaminated Land, Air Quality, Nuisance and anti-social behaviour, including disorder

associated with underage consumption of alcohol and other age restricted products, Private Rented Housing Conditions.

- **Priority 3: Help people to live healthier lives by preventing ill health and harm and promoting public health**
  - **What is Important:** Alcohol and Tobacco, Health and safety and wellbeing at work, Fire Safety, Pest Control, Allergy Awareness.
- **Priority 4: Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy**
  - **What is Important:** Diet and nutrition, Food Borne Disease, Food Safety, Animal health and welfare and disease control.
- **Priority 5: Support enterprise and economic growth by ensuring a fair, responsible and competitive trading environment**
  - **What is Important:** Supporting enterprise, particularly small businesses, proportionate enforcement, Fair Trading, Intellectual Property crime, Debt and Credit issues, Counterfeiting and Piracy, Product Safety.

The emphasis of the priorities is clearly linked to the issues that affect the public, with delivery mechanisms firmly emphasising partnership working between enforcement agencies and other partners together with community groups. A common thread running through each of the priorities is a recognition that the views of local citizens and businesses are important.

It is not anticipated that the proposed enforcement/regulatory outcome priorities will fundamentally alter the direction of Rotherham's delivery of enforcement function given that the Authority is already well positioned to introduce the priorities and the delivery mechanisms necessary to provide the outcomes.

Current strategic alignments of the Business Regulation and Safer Neighbourhoods services are focused on ensuring compliance with standards via enforcement and regulation in a range of quality of life and health impact scenarios which directly affect local residents and commercial activity.

An alignment of the services' functions and outcome in comparison to the consultation's priority areas are shown in Appendix 2.

Consequently response to the consultation is brief and is shown in Appendix 3.

## **8. Finance**

Delivery of the regulatory enforcement functions is provided from the Council's General Revenue Fund and the proposed prioritisation of regulatory outcomes will be managed within existing resources.

## 9. Risks and Uncertainties

With the proposed new enforcement priorities being already substantiating existing corporate policy and strategic direction it is viewed there is little to no risk in the introduction of the new priorities. The thrust of the proposal provides evidence to partners, the public and business that the Council is focused on delivering on what is not only seen as important locally but also fulfilling national policy drivers too.

Failure to effectively address enforcement priorities may lead to a negative perception from local stakeholders and central government.

## 10. Policy and Performance Agenda Implications

The proposed enforcement priorities clearly fit within existing strategic priorities in Rotherham. In particular the proposed national regulatory outcomes directly impact on:

- **Helping to Create Safe and Healthy Communities and;**
- **Improving the Environment.**

The enforcement priorities will also contribute to:

- **Ensuring care and protection are available for those people who need it most.**
- **Making sure no community is left behind.**

The enforcement priorities impact either directly or through contribution to all agendas around the Community Strategy's SAFE theme and the Joint Strategic Intelligence Assessment (JSIA) for Rotherham.

The enforcement priorities clearly link directly to the Government's public health strategy *Healthy Lives, Healthy People: Our strategy for public health in England* and the associated White Paper.

## 11. Background Papers and Consultation

*Priority Regulatory Outcomes A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services* – LBRO Consultation February 2011

*National enforcement priorities for local authority regulatory services* – Rogers Report March 2007

**Contact Name:-** Lewis Coates, Community Protection Manager, 01709 823117  
lewis.coates@rotherham.gov.uk

## Overview of the Priority Regulatory Outcomes

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

	<ul style="list-style-type: none"> <li>Protecting young people from the health issues related to excessive alcohol consumption through age restricted sales</li> </ul>		
<p><b>Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy</b></p>	<ul style="list-style-type: none"> <li>Protecting against public health risks and damage to the farming industry through securing compliance with animal health and welfare legislation</li> <li>Improving food standards</li> <li>Preventing food borne disease through better food hygiene and safety</li> </ul>	<p>Environment, Food and Rural Affairs</p> <p>Public Health</p>	<ul style="list-style-type: none"> <li>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.</li> <li>Collaborative enforcement and disease control, including DEFRA, Animal Health and local authorities, and supporting better regulation for farming, working with farming industry representatives.</li> </ul>
<p><b>Support enterprise and growth by ensuring a fair, responsible and competitive trading environment</b></p>	<ul style="list-style-type: none"> <li>Promoting local prosperity by supporting businesses to achieve compliance</li> <li>Tackling the issues of intellectual property crime</li> <li>Protecting consumers and compliant businesses from fraudulent and illegal trading practices</li> </ul>	<p>Business</p> <p>Consumer Protection</p> <p>Culture, Olympics, Media and Sport</p>	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>Promoting greater awareness and responsible consumer behaviour through provision of information, allowing consumers to make informed choices.</li> </ul>
<p>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.</p>			
<p>2 The overarching rationale of the Government is that intervention should only occur when necessary, respecting the contribution of individuals.</p>			

## Strategic alignments of current “Environmental Health” Services to Proposed Priority Regulatory Outcomes

Safer Neighbourhood Services	Business Regulation
<p>Delivering against Priority Outcomes 1 &amp; 2</p> <ul style="list-style-type: none"> <li>▪ Protect the environment for future generations by tackling the threats and impacts of climate change</li> <li>▪ Improve quality of life and wellbeing by ensuring clean and safe public spaces</li> </ul>	<p>Delivering against Priority Outcomes 3, 4 &amp; 5</p> <ul style="list-style-type: none"> <li>▪ Help people to live healthier lives by preventing ill health and harm and promoting public health</li> <li>▪ Ensure a safe, healthy and sustainable food chain for the benefit of consumers and the rural economy</li> <li>▪ Support enterprise and growth by ensuring a fair, responsible and competitive trading environment</li> </ul>
<ul style="list-style-type: none"> <li>▪ Reducing antisocial behaviour</li> <li>▪ Improving local private housing conditions</li> <li>▪ Improving local air quality</li> <li>▪ Environmental impact of land use</li> <li>▪ Local Environmental Quality, and</li> <li>▪ Tackling waste and environmental crime</li> </ul>	<ul style="list-style-type: none"> <li>▪ Protecting employees from injury and health at work</li> <li>▪ Protecting young people from the health issues related to excessive alcohol consumption through age restricted sales</li> <li>▪ Minimising health inequalities and negative economic impacts through tobacco control</li> <li>▪ Protecting against public health risks and damage to the farming industry through securing compliance with animal health &amp; welfare legislation</li> <li>▪ Improving food standards with regard to labelling, reducing salt levels, etc</li> <li>▪ Preventing food borne disease through better food hygiene and safety</li> <li>▪ Ensuring food is safe and fit to consume.</li> <li>▪ Promoting local prosperity by supporting businesses to achieve compliance</li> <li>▪ Tackling the issues of intellectual property crime</li> <li>▪ Protecting consumers and compliant businesses from fraudulent and illegal trading practices</li> </ul>
<p>Functions and activities covered by the team include:</p> <ul style="list-style-type: none"> <li>▪ Environmental Noise Control</li> <li>▪ Statutory Nuisance</li> <li>▪ Pollution Control Enforcement</li> <li>▪ Industrial Pollution Regulation</li> <li>▪ Private Sector Housing Enforcement</li> <li>▪ Land Use Planning Assessment</li> <li>▪ Enforcement of LEQ standards including fly tipping &amp; other enviro-crime</li> <li>▪ Eradication of pests</li> <li>▪ Control of Stray Dogs</li> <li>▪ Traveller/Gypsy Land Trespass resolution</li> <li>▪ Neighbourhood Wardens</li> <li>▪ Air &amp; Land Quality Management</li> <li>▪ Closed Landfill management</li> </ul>	<p>Functions and activities covered by the team include:</p> <ul style="list-style-type: none"> <li>▪ Food Hygiene and Standards</li> <li>▪ Health &amp; Safety at Work</li> <li>▪ Water Quality</li> <li>▪ Infectious Diseases</li> <li>▪ Animal Health and Welfare</li> <li>▪ Trading Standards</li> <li>▪ Licensing (including enforcement)</li> <li>▪ Bereavement Services (contract management)</li> </ul>

## **A New Approach to Refreshing the National Enforcement Priorities for Local Authority Regulatory Services: Questions & Drafted RMBC Response**

### **1. Do the draft priority regulatory outcomes accurately address the regulatory issues and risks facing England?**

Evidence from local surveys such as the Place survey and Your Voice Counts, together with national research from Government, CIEH and LACORS confirm that the draft priorities reflect the regulatory issues at both a local and national level.

The priorities also reflect the holistic nature of enforcement bringing together a range of functions, partners and community to tackle issues in communities delivering recognisable focussed outcomes.

The introduction of the new priorities is welcomed. However, there is a clear need for Local Authorities and Partners to performance manage the delivery of the outcomes together with establishing mechanisms for community impact and customer journey experiences.

### **2. Are they suitably focused on emerging issues and future threats?**

RMBC would agree that the priorities are suitably focussed on emerging issues and future threats both at a local and national level, fitting into national and local strategic approaches. At local level there is a need to monitor and review progress and ensure that the priorities are enshrined within service planning and strategic direction.

### **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?**

The outcomes and delivery mechanisms are flexible and ensure that direction is locally influenced whilst maintaining the delivery of national needs. There is a balance in delivery and influence between public, business and partners that will ensure that local discretion is exercised without losing sight of national and local drivers.

### **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?**

RMBC would prefer the retention of the word 'national' within the term to ensure that suitable weight is given to the importance of these priorities.