

## **Rogers Review – The five national enforcement priorities recommended for local authority regulatory services**

### **Summary**

1. The government has recently completed a review of priorities for local authority regulatory services (trading standards, licensing and environmental health services). This report seeks approval to incorporate the recommendations of the Rogers Review into service planning for environmental health, trading standards and licensing services.

### **Background**

2. In 2006 the government asked Peter Rogers, Chief Executive of Westminster City Council, to head a review to examine the many areas of legislation that local authority regulatory services enforce. The Rogers Review report was published at the March 2007 Budget and its recommendations were accepted in full by the government.
3. The Review used a risk focused, evidence-based approach, taking into account the views of local authorities, including port health authorities, citizens, businesses, government departments and Ministers to help prioritisation from over 60 policy areas enforced by local authority regulatory services. This is the first time such an approach has been adopted.
4. A tiered approach was taken to prioritisation.

*First*, the Review identified over 60 different policy areas enforced by local authority regulatory services (trading standards, licensing and environmental health services).

*Secondly*, the Review team then carried out an initial sift of these 60 policy areas to establish 24 policy areas which were then subject to more detailed

analysis, with the help of an expert user group which included heads of service and members of professional bodies.

*Thirdly*, government departments and regulators responsible for the 24 policy areas provided evidence for each policy area. Views were also obtained from citizen and business focus groups held around the country and from local authorities through an online survey and also 5 stakeholder events around the country.

*Fourthly*, for each of the 24 policy areas the Review team evaluated the risk that the policy area aimed to control and the effectiveness of actions taken by local authorities in order to determine the national priorities.

5. The criteria applied in order to determine if a policy area was a national priority were:
  - It aims to prevent high levels of risk distributed through society, and local authority controls are capable of being effective in doing so, and/or
  - It requires a national control system where all parts of the enforcement regime are in place to prevent harm, and/or
  - It is a nationally important political priority.
6. The Review sifted through the 24 policy areas they had identified to determine the top five national priorities. The diagram in Annex 1 shows those policy areas which were short-listed during the Review, increasing risk or harm posed by the policy areas and the increasing effectiveness of local authority activity to deal with the area.

## **The National Enforcement Priorities**

7. The five national priorities (and a sixth 'time limited' priority) are:
  - **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 descriptions, trade marking, mis-description, doorstep selling)

- and
  - **Animal and public health**, animal movements and identification - a time limited priority, but predominantly a rural issue
8. The highlights from the evidence gathered from departments and regulators in determining these priorities is set out in Annex 2.

### **The Roger's Criteria for Local Priorities**

9. The Review identified the five national enforcement priorities but goes on to say that it does not mean that central government does not support enforcement in other areas, nor does it relieve a local authority of its many other related statutory and legal obligations. The Review acknowledges that local authorities are best placed to understand and respond to issues that affect the well-being of their communities and the quality of life of their citizens.
10. The Review collated a substantial body of evidence around each of the 24 short-listed policy areas. Whilst many of the policy areas do not satisfy the criteria for a national enforcement priority, it recognized that at a local level enforcement can make a huge difference to the quality of life of citizens and communities in local authorities experiencing problems.
11. The 24 short listed policy areas have the following characteristics:
- they cause significant harm within a local authority area,
  - they generate high levels of local concern,
  - local authorities can make a difference to outcomes in their locality and
  - they can be dealt with by each local authority independently of what other local authorities do.
12. The short listed policy areas that satisfy the criteria for being local priorities in areas where these problems exist are as follows:
- Local environmental quality
  - Underage sales
  - Operation of the housing health and safety rating scheme
  - Licensing of houses in multiple occupation
  - Consumer credit
  - Imported food
  - Contaminated land
  - Noise nuisances

The “local priority” list is not mandatory and the Review suggests local authorities can adopt other local priority areas where these they appropriate.

### **Proposed Local Priorities for 2008/09**

13. It is proposed that for 2008/09 the local priorities for the council’s trading standards, licensing and environmental health services in the City of York will be identified as:

- Tackling noise nuisance
- Preventing underage sales
- Ensuring healthy lifestyles (incorporates food standards, smoke-free and local environment issues)
- Providing educational support for local businesses to assist with their compliance with legislation.
- Contaminated land

And that these are incorporated into the service planning as identified local priorities

14. Members will note that a high level of activity is already taking place on these areas, but these local priorities have been chosen because they continue to support the outcomes identified in the Local Area Agreement (in the Safer and Stronger Communities, Healthier Communities and Economic Development and Enterprise blocks). In the case of tackling noise nuisance and preventing underage sales these are activities within the corporate priority of “to reduce the actual and perceived impact of violent, aggressive and nuisance behaviour on people in York”.

15. The proposed local priorities for trading standards, environmental health and licensing services at para 13 above do not include all those suggested by the review. The reasons for this is as follows

- Although Local environmental quality is a key priority, members will be aware that recent changes in Street Cleaning and Street Environment have produced an improvement in standards. Following the Neighbourhood Services Restructure, this area is already identified as a priority and is within the scope of the Neighbourhood Pride Service Business Plan and managed by the Assistant Director (Environmental Services)
- The operation of the housing health and safety rating scheme/licensing of houses in multiple occupation are already functions of the Housing and Adult Social Services Directorate and is within their Business Plan.
- Consumer credit issues are a priority, but in York there is a high level of compliance amongst businesses and little evidence of ‘loan sharking’

unlike other urban areas. The existing level of regulation is sufficient to manage the risk, but it will continue to be monitored closely.

- There are only two food importers based in York, and the existing work programme is sufficient to regulate the level of risk.

### **Areas outside the scope of the Review**

16. The Review also determined what activities were not relevant to the prioritization process. These were:

- Forthcoming legislation – i.e. legislation not currently enforce by local authorities as of November 2006. It is expected that local authorities will respond to new legislation, and after the initial implementation activity, the policy area will need to be considered along with the others in the refresh of the priorities.
- Specially funded work - but one of the recommendations in the report included that this should not be used to introduce new priorities by the back door.
- Partnership working – The Review supports this, e.g. with the Police
- Emergencies – if a national or local emergency occurs, this will clearly take precedence for the period of time to tackle the emergency, e.g. major incidence of food borne illness or animal health issue.

### **Next steps**

17. The Review states that local authorities should consider incorporating the five national enforcement priorities into their service plans as appropriate at the next opportunity when the plans are updated

18. In addition to recommending the national enforcement priorities (Recommendation 1) the Review also made a further six recommendations which the government has accepted in full. These are:

#### **Recommendation 2**

19. To help ensure that local authorities benefit from these national enforcement priorities, the Local Better Regulation Office (LBRO) should develop and disseminate best practice that will assist local authorities to focus on these priorities.

#### **Recommendation 3**

20. To make the priorities meaningful on the ground and help local authorities to determine adequate levels of activity, government departments should work with the LBRO when they draw up advice on minimum levels of

enforcement and reporting requirements for policy areas that are not priorities but implement European Union legislation.

**Recommendation 4**

21. The LBRO should refresh the enforcement priorities set out in this Review on a regular basis (at least every three years), and recommend them to the government. The LBRO should adopt a similar evidence-based approach in refreshing enforcement priorities, taking into account the risk or harm that the policy area is attempting to remedy and the effectiveness of enforcement at local authority level. Evidence should be sought from multiple stakeholders and the criteria for an enforcement priority should be based upon risk, public and business perception and political priority.

**Recommendation 5**

22. Government departments and non departmental public bodies should consider the implications on local authority regulatory services of any new enforcement demands, and ensure that any new demands are fully funded. The LBRO should consider the cumulative burden of any new enforcement demands on local authority regulatory services.

**Recommendation 6**

23. The government should ensure that the proposed set of 200 national indicators which set out its priority outcomes for local authorities under the new performance management framework for local government appropriately reflect the national enforcement priorities in this Review.

**Recommendation 7**

24. The government should not use part-funding or 'seed monies' (to assist in the enforcement of particular policy) to introduce new priorities by the back door, outside of the central prioritization process. However where a local authority chooses to accept such monies, it should be accountable for its expenditure.

**Consultation**

25. Not applicable to this report.

**Options**

26. Option1. To incorporate the five national enforcement priorities and the proposed local priorities into future service planning activities.
27. Option 2. Not to incorporate these enforcement priority issues into future service planning activities.

## **Analysis**

28. Option 1 will mean resources are targeted at key national and the local enforcement issues and the council will be able to meet the challenges imposed by the next round of government performance measures.
29. Option 2 will mean that resources are not necessarily targeted in key areas and the council will not be able to meet the government's performance expectations.

## **Corporate Priorities**

30. Many regulatory activities support corporate objectives and assist in the outcomes identified in the local area agreement (in relation to local priorities these have been highlighted in paragraph 14). The diagram shown in Annex 3 is an example of how the policy areas might fit within the local area agreement for safer, stronger communities. This example is taken directly from the Review report.

## **Implications**

### **Financial**

31. There are no financial implications associated with this report.

### **Human Resources (HR)**

32. There are no HR implications associated with this report.

### **Equalities**

33. There are no equalities implications associated with this report.

### **Legal**

34. There are no legal implications associated with this report.

### **Crime and Disorder**

35. There are no crime and disorder implications associated with this report.

### **Information Technology (IT)**

36. There are IT implications associated with this report.

### **Property**

37. There are no property implications associated with this report.

## Risk Management

38. Approving option 1 will minimise the risk that the council will fail to meet its performance obligations.

## Recommendations

39. That the Advisory Panel advise the Executive Member to incorporate into future planning activities and service plans, the national enforcement priorities as set out in paragraph 7, and the local enforcement priorities set out in paragraph 13.

Reason: To ensure that the council's approach to tackling national and local enforcement priorities are in line with government guidance.

## Contact Details

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Report Approved



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## Specialist Implications Officer(s)

*None*

Wards Affected:

All

For further information please contact the author of the report

## Background Papers:

The Rogers Review – published by the cabinet office – March 2007

[http://www.cabinetoffice.gov.uk/regulation/documents/rogers\\_review/review2007.pdf](http://www.cabinetoffice.gov.uk/regulation/documents/rogers_review/review2007.pdf)

## Annexes

Annex 1: Sifting from over 60 policy areas to five national priorities

Annex 2: The case for the priorities.

Annex 3: Local regulatory services contributing to outcomes