

National enforcement priorities for local authority regulatory services

Peter Rogers



March 2007

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A note on terminology

Throughout this report, the term ‘local regulatory services’ has been used to refer to local authority Trading Standards, Licensing and Environmental Health services.

Although these services operate at different tiers within local government (except in single-tier authorities), they are often described together as ‘regulatory services’ as they both enforce legislation that attempts to control the harms caused by business operations. The same businesses can be affected by Environmental Health and Trading Standards services.

A Supplementary volume containing the evidence for the report is available at:

http://www.cabinetoffice.gov.uk/regulation/reviewing_regulation/rogers_review/

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Foreword

Dear Minister,

Occasionally events conspire to provide a real opportunity for positive change. I believe now is just such a time for local regulatory services.

The national drive to make regulation work better for everyone has seen real progress towards the risk-based approach championed by the Hampton Review, and a new complementary system of penalties is in the pipeline. Attention is now turning to the Trading Standards and Environmental Health professionals in local authorities who, considered together, form the country's largest body of enforcement officers.

At the same time government is extending greater freedom to local authorities, allowing them to better shape their services to reflect the needs of their communities.

We in local authorities have long sought devolution. If we seriously want more powers in future, we need to earn trust now by showing we can deliver on a few key central government priorities while pursuing our local agendas and accounting for our choices. The priorities should not be used as a justification for reducing budgets but rather for improving local authorities' effectiveness.

I propose here just six national enforcement priorities, complemented by others reflecting local circumstances and choice. My challenge is to local authorities to show they can deliver better outcomes, to professional institutes and the Local Government Association family to offer support and promote good practice, to Government in the centre to provide support, challenge and monitoring but to continue the devolutionary journey and to businesses to deliver compliance. It will take a real partnership effort to deliver the consistency on the ground which all should be entitled to expect.

It is exciting that local regulatory services have the chance to lead in piloting this new approach. Such services are a powerful tool in achieving key local objectives from 'better health' to 'safer communities', as I know from my experience as a local authority Chief Executive. Yet they also make a vital contribution to national and European systems of enforcement, with associated duties and responsibilities.

I sensed great enthusiasm for a simpler and more proportionate regulatory system in my meetings with stakeholders. I sincerely hope my recommendations will assist with this. However, they are only the start of a process. Much work will be needed to promote the priorities and best practice in relation to them, and they will need to be kept under review and updated. I wish the Local Better Regulation Office and all others involved every success in championing them.

Acknowledgements

I am indebted to a great many people who have contributed to this Review. In particular I would like to thank Robyn Fairman, the outstanding leader of my Secretariat, and her team Gordon Maddan, Helen McColm, Faye Melly and Suzanne Redding. I would also like to thank the government departments and agencies that supplied the evidence to support my recommendations. I am grateful to all those local authorities and businesses representatives who gave their opinions and helped inform our thinking.

Finally I would like to thank: Stephen Hughes, Chief Executive, Birmingham City Council, Tony Reeves, Chief Executive of Bradford Metropolitan Borough Council, Paul Rogerson, Chief Executive of Leeds City Council, Derek Allen, Chief Executive, LACORS, Ron Gainsford, Chief Executive, Trading Standards Institute, Graham Jukes, Chief Executive, Chartered Institute for Environmental Health, Jacqui Kennedy, Senior Assistant Director, Regulation Services, Birmingham City Council and the local authority representatives on the Expert User Group for their assistance, support and encouragement during the Review.



Peter Rogers

Executive summary

This Review recommends six national enforcement priorities for local authority Trading Standards and Environmental Health services (shown in Table E1). The Review's recommendations will help to ensure that local authorities can benefit from devolution without compromising regulatory outcomes or exposing business to inconsistent enforcement. Local authority representatives have called for central government to be clear about enforcement priorities, and a lack of effective central and local co-ordination was identified in the Hampton Review of regulatory enforcement and inspection as hindering these vitally important services.

The Review used an evidence-based approach to prioritise over 60 policy areas enforced by local regulatory services, evaluating the risk that the policy area aimed to control, the effectiveness of actions taken by local authorities, the views of citizens, businesses and local authorities and the views of central government regulators, departments and Ministers. A tiered approach was taken to prioritisation. 61 policy areas were sifted down to 24 by using a simple scoring system based on published data. A second more detailed analysis working closely with government departments, non departmental public bodies, local authorities, citizens and businesses led to the selection of six priorities as shown in Figure E1.

As well as recommending national enforcement priorities, this Review highlights policy areas that are likely to be strong contenders for local priorities, enabling these services to make their case in Local Area Agreements. It also recommends that national enforcement priorities will need to be updated at least every three years by the Local Better Regulation Office.

Figure E1: Map of national priorities

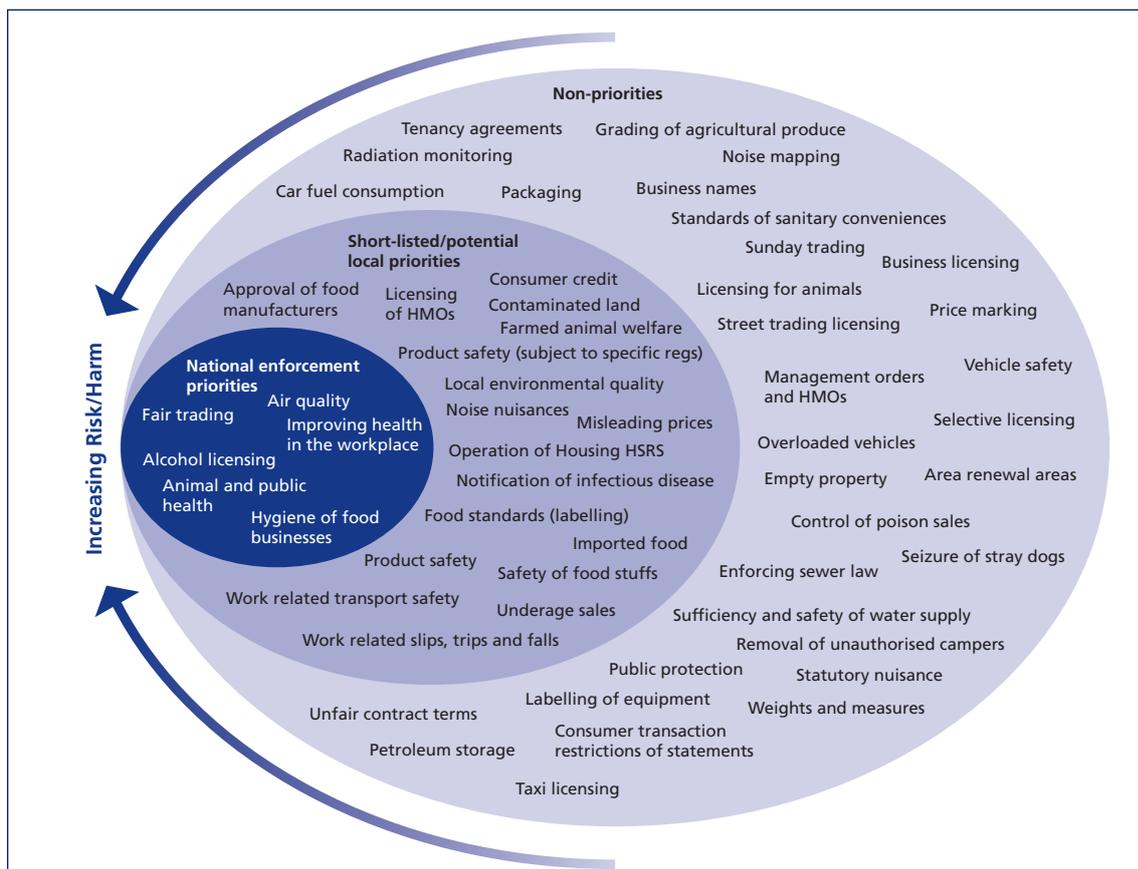


Table E1: The national enforcement priorities

Enforcement body	Abbreviation to be used	Policy title	Policy description	Indicative legislation
District and single-tier	Air quality	Air quality, including regulation of pollution from factories and homes	Local authorities are responsible for measuring the quality of air people breathe, for taking action with others where the quality is below approved standards, and for regulating pollution from some industry and from domestic premises.	Pollution Prevention and Control Act 1999, Air Quality Regulations 2000, Clean Air Act 1993
District and single-tier	Alcohol licensing	Alcohol, entertainment and late night refreshment licensing and its enforcement	Grant licences and certificates to premises, members' clubs and individuals selling and supplying alcohol and/or providing regulated entertainment and /or late night refreshment; and enforce related licensing offences and conditions attached to such licence.	Licensing Act 2003
District and single-tier	Hygiene of food business	Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises	Ensure premises selling or making food follow hygiene regulations and that food within the premises is safe.	Food Safety Act 1990
District and single-tier	Improving health at work	Improving health in the workplace	To reduce the incidence of ill-health and days lost arising from work activities in relation to musculo-skeletal disorders, stress and chemicals, promote compliance with the law, and reduce the cost and suffering to individuals and companies.	Health and Safety at Work Act 1974, Management of Health and Safety of Work Regulation 1999
County and single-tier	Fair trading	Fair Trading (Trade description/ trade marking/ mis-description/ doorstep selling)	Ensure traders describe goods/services accurately. Includes counterfeiting and rogue trading.	Trade Descriptions Act 1968, Medicines Act 1968, Hallmarking Act 1973, Trade Marks Act 1994, Property Misdescriptions Act 1991, The Timeshare Act 1992, Enterprise Act 2002, Fair Trading Act 1973, Mock Auctions Act 1961, Estate Agency Act 1979
County and single-tier, Border Inspection Points	Animal and public health	Animal and public health, animal movements and identification	Ensures animal feed does not include prohibited or harmful ingredients and is made hygienically. Provides for the control of animal disease (including those that can be transmitted to humans) and for the traceability of animals from farm to fork.	Food Safety Act 1990, The Feeding Stuffs (England) Regulations 2005, The Feed (Hygiene and Enforcement) (England) Regulations 2005, Imported Food Regulations, Animal Health Act 1981

1. The Trading Standards and Environmental Health services of local authorities, taken en masse, are the largest enforcement operation in England. Their expenditure dwarfs that of the Environment Agency or the Health and Safety Executive; they are the means for achieving regulatory objectives of ten government departments and one non departmental public body; they enforce hundreds of pieces of legislation; and they operate in nearly every industrial and commercial sector.
2. Local authority regulatory services play a crucial role in their local communities. In terms of impacting on business, and in delivering regulatory objectives for government, the importance of these services cannot be underestimated. As the Hampton Review recognised, they serve as a key source of advice to business, especially small businesses. They deliver both national and local regulatory objectives, supporting the delivery of a wide range of policy areas in the process. But they are hindered, as Hampton argued, by the diffuse structure of local authority regulation, not least difficulties arising from the lack of both effective priority-setting from the centre and the lack of effective central and local coordination. Hampton also identified problems with consistency of local authority enforcement that related in large part to lack of planning across policy areas and services. The key aim of this Review is to help solve these difficulties.
3. The new relationship between local and central government, central to the local government White Paper, is likely to provide opportunities as well as pose challenges for local authority regulatory services. Providing clarity on a small number of national enforcement priorities will help local authorities plan their resources and prioritise their activities. This will help ensure the most critical of central government's regulatory objectives are delivered consistently and effectively throughout England while, at the same time, better enabling local authorities to deliver local priorities that respond to the needs of local citizens and businesses. This, in turn, should help local authority regulatory services highlight to local political leaders, and those they serve, the value they deliver in their communities.
4. The key challenge is ensuring that these services prove their impact in a world of fewer detailed performance indicators and challenging efficiency targets. If they succeed business will benefit from improved consistency of enforcement and a sharper regulatory focus for a small number of policy areas. If they fail, services could be threatened resulting in more inconsistent enforcement, poorer compliance and subsequent national harm. This Review views this as a serious concern.
5. This Review was established with the following terms of reference:
 - Define the policy areas (and their enforcement mechanisms) that come under the remit of local authority regulatory services,
 - Collect and collate the evidence on the relative priority of these policy areas for central government, local citizens and business, and
 - Make recommendations on around five policy areas that are central government priorities for local authorities, based on their level of risk, political priority and the perceptions of citizens and business.

In doing this, work with central government departments, independent regulators, local authorities, citizens and businesses.

The approach to determining national enforcement priorities

6. Determining priorities involves hard choices. For the first time an evidence-based and risk-focussed approach has been used to establish national enforcement priorities. This has incorporated input from government departments and regulators, local authorities, citizens and businesses.
7. A major consideration in determining these national enforcement priorities is the risk that the regulation is attempting to control. This builds upon the risk-based enforcement approach recommended by Hampton, and enables a comparison of disparate policy areas attempting to prevent many different types of harm. The Review obtained data from experts in government departments and non departmental public bodies, which often drew on the detailed appraisals of impact that have to be performed before legislation is introduced.

8. However risk, in some technical sense of how many people are harmed, is not the sole factor in determining priorities. Because of the nature of the 'harms' considered in this Review, how the various communities affected by regulation feel about the issues is hugely important. Through consultation, the Review was able to piece together a picture of what the regulation aimed to do, how effective the local enforcers felt it to be, and how important those affected by the enforcement judged the activity to be.
9. This Review has used innovative means of reaching these communities. 43% of all English local authorities responded to a structured and focused survey, 179 Heads of Regulatory Service and Chief Executives of local authorities attended face to face discussion, 15 discussion groups explored citizen and business views and 19 trade associations representing 600,000 businesses were consulted in briefings and individual meetings.
10. An initial sift produced a short list of 24 policy areas (from the original list of over 60 policy areas), and for each of these the review collated a detailed case based on the risk, and on the views of the various communities. Government departments and their Ministers provided evidence on the extent of the problem and made cases on why the area should be a national enforcement priority.
11. To determine the national enforcement priorities, the Review evaluated the overall cases made for each of the short listed policy areas against the criteria below.

Criteria for national enforcement priorities

12. The policy area:
 - Aims to prevent high levels of risk distributed through society, and local authority controls are capable of being effective in doing so, and/or
 - Requires a national control system where all parts of the enforcement regime are in place to prevent harm, and/or
 - Is a nationally important political priority

The national enforcement priorities

The Review recommends that the five main national enforcement priorities 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 description, trade marking, mis-description, doorstep selling)

13. Protecting animal health is of national importance, but applies mainly (though not solely) to rural areas and border inspection points. The roles and responsibilities for the regulation and enforcement of this area have been subject to a Review upon which government will be consulting. Whilst this responsibility still lies with local government, this Review recommends an additional time-limited enforcement priority of:
 - Animal and public health, animal movements and identification.

The case for the priorities

14. **Air quality** is a high national political priority and actions taken to improve it will also contribute to tackling climate change. Local authorities have a vital role to play in delivering better outcomes. Air quality is a national enforcement priority because it impacts on whole populations, particularly the elderly and those more susceptible to air pollution. It is politically important to emphasise the role that local authorities can play in reducing its impacts, and its trans-boundary nature means that local action contributes to national outcomes.

¹ All costs, and figures related to incidences in this section are annual costs in 2005

² All costs, and figures related to incidences in this section are annual costs in 2003

- Air pollution damages health, quality of life and shortens life expectancy
 - Health impacts from particulates in 2005 cost £9.1-£21 billion (though this cannot be tackled by local authority action alone)¹
 - The issue is geographically spread though concentrated in urban and industrial areas and around roads
 - Local action contributes to national outcomes, air pollution ignores local boundaries
 - An important issue for citizens and for local authorities
 - Hugely politically important
15. Alcohol licensing prevents high risks that are distributed throughout society. Anti-social behaviour and violence are seen throughout the UK, affecting all parts of society (particularly the young and vulnerable).
- 1 in 5 violent incidents were found to occur in or around public houses
 - Up to 22,000² premature deaths per year are related to alcohol consumption
 - 17 million working days lost through alcohol related absence
 - Circa £0.5 billion in NHS A&E attendance and ambulance costs (up to 35 per cent of total costs) are alcohol related
 - 61 per cent of the population perceive alcohol-related violence as worsening
 - A quarter of the population consider drunk or rowdy behaviour a very or fairly big problem in their local area
16. The hygiene of food businesses is a national enforcement priority because of the high impact in terms of numbers of deaths and ill health caused by unhygienic food businesses and the high costs to the economy.
- 329 deaths can be anticipated as arising from food business operations (almost 1 death per day)³
 - 535,500 cases of food borne diseases (1,467 per day)
 - Over 12,000 hospitalisations (33 per day)
 - Both businesses and citizens considered that this policy area was a priority to ensure food safety and local authorities themselves considered this to be a top priority
 - £900 million total costs to the economy in 2005 (including costs to the health care system)
17. Improving health in the workplace is a national enforcement priority due to the high risks posed to individuals, their families, damage to business and the costs to the economy as a whole.
- 560,000 workers per year experience an illness or ill-health condition caused or made worse by their work in local authority enforced sectors (4 per cent of workers)⁴
 - 147,000 people per year start an episode of work-related illness or ill-health in local authority enforced sectors (410 people per day)
 - £360-£610 million costs to employers of ill-health in 2001/02 in the LA enforced sectors
 - Costs to the economy of several billion pounds each year
18. Fair trading is a national enforcement priority because of the huge economic damage caused by rogue trading and mis-selling and the impact on individuals, particularly the vulnerable and elderly.
- Estimated £8 billion harm to consumers per year⁵
 - £3.2 billion lost to scams per year, 3.5 million victims per year
 - £30 million lost to rogue doorstep sellers who target the elderly, and cause severe distress
 - £1.3 billion costs due to theft of intellectual property per year⁶
 - Businesses saw this as a priority

An enforcement priority where roles and responsibilities are being reviewed

19. Protecting Animal and public health is a national enforcement priority because of the potentially huge impact that outbreaks have on local and national economies and because the enforcement system has to be complete and co-ordinated to provide protection.
- Extent of harm is severe, not only in risk but in actual cases in the last decade
 - £8 billion costs due to the Foot and Mouth outbreak
 - Over 0.1 per cent of UK GDP total resource costs to the economy due to the BSE crisis
 - Circa £1.5 billion total public expenditure costs in the first year for industry compensation payments

¹ All costs, and figures related to incidences in this section are annual costs in 2005

² All costs, and figures related to incidences in this section are annual costs in 2004

³ All costs, and figures related to incidences in this section are annual costs in 2000

⁴ All costs, and figures related to incidences in this section are annual costs in 2006

- £3.9 billion costs due to the disposal of 8.5 million cattle aged over 30 months
- £600 million costs per year due to the BSE crisis as a result of on ban of exports of cattle and beef for over 10 years
- Damage to local communities and social networks in affected communities
- Requires local authorities to carry out co-ordinated action to be effective
- Existing delivery is fragmented undermining the control system

Potential local enforcement priorities

20. This Review has identified national enforcement priorities. This does not mean in any sense that either the Review or central government do not support enforcement in other areas, nor does it relieve a local authority of its statutory and legal obligations. 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. This Review has collated a substantial body of evidence around each of the short-listed policy areas. Whilst many of the policy areas do not satisfy the criteria for a national enforcement priority, at a local level enforcement can make a huge difference to the quality of life of citizens and communities in local authorities experiencing problems.
21. These 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.
22. Policy areas that satisfy these 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
- and these are therefore likely to be strong contenders for consideration as local priorities in certain areas.

Taking forward the national priorities

23. The Review makes seven recommendations. The first defines the national enforcement priorities and is repeated here for convenience. The other recommendations concern how the priorities should be taken forward.

Recommendation 1

The Government should specify to local authorities the five enforcement priorities for Trading Standards and Environmental Health services in England as:

- **Air quality** (Air quality, including regulation of pollution from factories and homes)
- **Alcohol licensing** (Alcohol, entertainment and late night refreshment licensing and its enforcement)
- **Hygiene of food businesses** (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)

Protecting animal and public health is of national importance, but applies mainly (though not solely) to rural areas and border inspection points. The responsibility for the enforcement of this area is being reviewed at the moment. Whilst responsibility still lies with local government, the Government should specify to local authorities:

- **Animal and public health** (Animal and public health, animal movements and identification) as a further enforcement priority.

Recommendation 2

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

Recommendation 3

To make the priorities meaningful on the ground and help local authorities to determine adequate levels of activity, government departments should work with the Local Better Regulation Office 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

The Local Better Regulation Office 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 Local Better Regulation Office 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

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 Local Better Regulation Office should consider the cumulative burden of any new enforcement demands on local authority regulatory services.

Recommendation 6

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

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 prioritisation process. However where a local authority chooses to accept such monies, it should be accountable for its expenditure.

Chapter 1

Setting the Scene

This chapter explains the context for the Review, placing it within a wider programme of regulatory reform. It shows why national enforcement priorities are needed, and why an independent review was required to establish these. This chapter also explores the criteria for a national and local priority.

The national better regulation agenda

- 1.1 This Government is committed to making regulation work for everyone. A significant programme of reform to improve regulation and enforcement is underway, with the objective of delivering better outcomes to consumers, workers and citizens by the most effective and efficient means. Benefits are already being felt on the ground.
- 1.2 The Hampton Review in 2005 recommended a new approach to regulation, with the emphasis on 'securing compliance' rather than routinely carrying out inspections⁷. The need for risk-based regulation was stressed so that the burden of enforcement falls most on the highest risk businesses with records of compliance taken into account in assessing risk. This wide-ranging review also suggested applying tougher and more consistent penalties where these are deserved and reducing the need for form filling paperwork. Philip Hampton's recommendations were accepted in full by the Government.
- 1.3 Considerable work has since been done to improve the regulatory system. Risk-based approaches are now widespread. The number of national regulators has been reduced. Government departments are taking steps to substantially reduce the administrative burden associated with demonstrating compliance with regulations.
- 1.4 The Government also accepted in full the recommendations of the Macrory Review of regulatory penalties⁸. This will give Regulators a new flexible 'tool-kit' of sanctions to use against those who break regulations. Fundamental to the risk-based approach is the certainty that the majority of businesses, which are compliant, will receive a lighter touch with fewer inspections and forms. Meanwhile rogue businesses, which repeatedly flout the law, will face quick, meaningful and proportionate penalties.

⁷ Hampton P, 2005, Reducing administrative burdens: effective inspection and enforcement, HM Treasury, London

⁸ Macrory R, 2006, Regulatory Justice: Sanctioning in a Post Hampton World Consultation Document, Better Regulation Executive, London

Implementing Hampton: current activity

- 1.5 In his pre-budget report in November 2006 the Chancellor announced a new programme of initiatives to further improve the regulatory system, based on the recommendations of the Hampton Review.
- 1.6 The programme is set out in Implementing Hampton⁹, and includes a number of steps to support local authority enforcement, including:
 - Establishing this, the Rogers Review, to recommend around five specific high risk national priorities for local authority regulatory services
 - Accepting the recommendations of the Macrory Review of regulatory penalties
 - Announcing the Regulators' Compliance Code requiring regulators at both national and local levels to have regard to the Hampton principles.
 - Extending the Retail Enforcement Initiative pilot to 70 more local authorities
 - Bringing forward the establishment of the Local Better Regulation Office (LBRO).
- 1.7 The emphasis in regulatory reform is moving towards local authority regulatory services now that key changes at a national level have been introduced.

Terms of reference of the Rogers Review

This Review was established with the following terms of reference:

- Define the policy areas (and their enforcement mechanisms) that come under the remit of local authority regulatory services,
- Collect and collate the evidence on the relative priority of these policy areas for central government, local citizens and business, and
- Make recommendations on around five policy areas that are central government priorities for local authorities, based on their level of risk, political priority and the perceptions of citizens and business.

In doing this, work with central government departments, independent regulators, local authorities, citizens and businesses.

Throughout this document, the term 'national enforcement priorities' is used as a short hand term for the central government priorities for local authority regulatory services that this Review has been commissioned to recommend.

The need for national enforcement priorities

- 1.8 So, why is establishing a small number of national enforcement priorities important? It will identify the areas where it is critical to ensure national concerns are reflected in local authorities' activities, chiefly to provide adequate control of risk. This is particularly timely due to the increased power local authorities will soon have to determine their activities (see Chapter 2). A combination of challenging efficiency targets and a radical reduction in detailed performance indicators could otherwise potentially lead to cuts to local regulatory services that could result in serious harm.
- 1.9 Local regulatory services play a crucial role in their local communities. In terms of impacting on business, and in delivering regulatory objectives for government, the importance of these services cannot be underestimated. As the Hampton Review recognised, they serve as a key source of advice to business, especially small businesses. They deliver both national and local regulatory objectives, supporting the delivery of a wide range of policy areas in the process. But they are hindered, as Hampton argued, by the diffuse structure of local authority regulation, not least difficulties arising from the lack of both effective priority-setting from the centre and the lack of effective central and local coordination. Hampton also identified problems with consistency of local authority enforcement that related in large part to lack of planning across policy areas and services.

⁹ HM Treasury, 2006, Implementing Hampton: From Enforcement to Compliance, HM Treasury, London.

- 1.10 Central government recognises that it is responsible for providing clarity about its priorities and expectations. This is a theme in the recent Local Government White Paper. Hampton also recognised the need for prioritisation, noting 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 centre.” p76.

- 1.11 Establishing national enforcement priorities will support efforts to improve consistency, through for example, focused support from the Local Better Regulation Office. While this Review cannot in itself ensure consistency it is an important step towards that goal. This responds to the concerns of businesses, who find inconsistency particularly problematic. Again Hampton recognised that:

“consistency at local authority level requires better coordination of Departments and local authorities at national level.” p75.

- 1.12 The clarification will reduce confusion for local authorities. Currently they have no one set of recommendations to look to for a central government wide perspective. While some national bodies, like the Health and Safety Executive, offer risk-informed guidance on how to prioritise within their sphere of responsibility no steer is given on how to prioritise across the board. Each authority must thus independently interpret what government wants by weighing up communications from up to twelve national bodies. This wastes time and promotes inconsistency.

“We are keen to improve and maintain standards for our community but find it difficult to provide an effective service over all policy areas because of balancing the available resources.”

District Council, LA Survey

“A set of national priorities allows me as a Head of Service to show councillors, residents etc what the clear regulatory priorities of the moment are. I understand the need to balance these with local ones and also the need to continue to have government targets, but finally we’ll understand what matters most to central government!”

Steve Miller, Head of Public Protection, London Borough of Newham

- 1.13 The Review responds to demands from local authority regulatory services for guidance on central government priorities;

“For a number of years, our professionals have expressed frustration about the disparate and sometimes conflicting priorities placed upon us by the various central government departments, and therefore welcome the prospect of some clarity and focus.”

Society of Chief Trading Standards Officers

- 1.14 To maximise benefits, the national enforcement priorities are set out at a relatively detailed ‘output’ level.

- 1.15 A further benefit may come from the publication through this report of detailed evidence on risk and concern relating to particular policy areas, collected for the first time into one document. Local authorities will be able to use this in setting their own local priorities.

Why is an independent review necessary to establish the priorities?

- 1.16 Determining priorities involves hard choices, and previous attempts to reach priorities through consensus have proved unable to make these.

- 1.17 Hampton noted an earlier attempt to prioritise the activities of Trading Standards Professionals *“When the DTI coordinated a Government-wide list of priority areas for trading standards departments, it resulted in a list of 59 issues, all of which were identified as top priorities”*. p6.

- 1.18 As a result of the need being identified by Hampton, in June 2005 LABREG (Local Authority Better Regulation Group) was tasked with establishing priorities for local regulatory services. The group included several Government departments. However no clear priorities emerged from the group and in an 'interim' report LABREG recommended that prioritisation between Government Departments and Agencies should be taken forward by the Cabinet Office.¹⁰ Although national bodies were able to prioritise within their own sphere, difficulties arose in achieving consensus on collective priorities.
- 1.19 Lessons learnt from previous attempts shaped the methodology of this Review, leading to an evidence-based approach. The decision to commission an independent reviewer to undertake this task ensured objectivity and clearly identified one decision-maker.

National compared to local priorities

- 1.20 The national enforcement priorities established by this Review are based on different criteria and have a different purpose to those priorities that local authorities may select.
- 1.21 Local regulatory services already carry out enforcement prioritisation, and have annual service plans setting out the activities they intend to undertake. Their locally set priorities are generally informed by the overall strategic priorities of the authority, the views of local communities obtained through public engagement work and through councillors, local analysis of risk and officers' local knowledge. They are also likely to reflect the authorities' interpretation of national enforcement priorities, perhaps drawing on performance measures.

Local authority comments on local priorities to the LA survey

"Ability to meet local priorities is essential and should be reflected in the Corporate Plan of the local authority." *Single-tier authority*

"Local priorities will quite rightly differ from national e.g. I haven't rated houses in multiple occupation highly locally as we have fewer than 10 in the district." *District council*

- 1.22 Local authorities are, of course, free to continue to set enforcement priorities that reflect local circumstances and local concerns. It is expected that many will wish to establish such 'local enforcement priorities', not least because the risks facing a rural authority will differ dramatically from those facing a deprived urban area. Consideration of local issues is encouraged through the highlighting of policy areas where evidence collated for this Review particularly strongly suggested that an authority with problems relating to that area could derive strong benefits from action.
- 1.23 Locally focussed and targeted action to deal with specific problems within an area will often be the most effective and efficient mechanism for dealing with local problems. In many cases action taken in one locality will not undermine the activities in another area. For instance, action to deal with complaints of nuisance in one area will not reduce the effectiveness of activity in a neighbouring borough that chooses to deal with nuisance in another way.

To be a national enforcement priority a policy area will:

- Pose significant risk to large numbers of people or high detriment to the economy and/or
- Require a co-ordinated systematic approach to all parts of the enforcement regime to control the problem, and
- Be responsive to being dealt with at a local authority level.

Policy areas highlighted as having great potential as local enforcement priorities for areas with relevant problems are:

- Areas that cause significant harm within a local authority area,
- Areas that cause high levels of local concern,
- Areas in which local authorities can make a difference to outcomes and
- Issues that can be dealt with by each local authority independently of what other local authorities do

¹⁰ Local Better Regulation Working Group, 2005, Interim report, Cabinet Office, London (unpublished)

Key implications

Priorities

- 1.24 The purpose of issuing a list containing a small number of national enforcement priorities is to give local authorities clarity about what is important on a national level and therefore the policy areas on which they should concentrate their enforcement efforts. In addition they will be able to make a case to their members on what local enforcement priorities will be able to deliver real improvements in outcome at a local level.
- 1.25 These national and local enforcement priorities should form the strategic basis for the authorities' enforcement activities. Local authorities will be able to use the priorities to:
- Plan their enforcement activities;
 - Identify strategic partners to deliver these regulatory objectives;
 - Identify and implement enforcement approaches that can best deliver the required outcomes; and
 - Plan their resources accordingly.

Non-prioritised areas

- 1.26 For those policy areas which are not identified as national priorities, or as local priorities for a particular local authority, the statutory provisions giving responsibility to local authorities for carrying out their enforcement of course remain in place. The list of priorities does not, therefore, relieve a local authority of its statutory responsibilities. This is particularly important where the local authority has been given responsibility for enforcing legislation which derives from European legal obligations, for example where the legislation is implementing a European Directive. Central Government is responsible for ensuring that the UK is complying with its European obligations and in the case of infraction the Government would be held accountable for inadequate enforcement of Directives.

"We must not forget that many issues that are currently well regulated and not a priority area, would soon become priorities if standards were allowed to fall."

District Council, LA survey

- 1.27 By focussing on priority areas, local authorities may be able to scale down its activities in non-priority areas. They will have to ensure that activity in those non-priority areas is at an appropriate level, and respond to local circumstances. For example, for those non-priority areas that involve licensing or periodic pre-determined action, local authorities may be able to operate at a 'tick-over' carrying out the required periodic activity and responding to complaints.

Scope of the Review

- 1.28 This Review examines the activities of Trading Standards and Environmental Health Services performed within local authorities in England.
- 1.29 Other local authority enforcement activity carried out by Planning and Building Control services is excluded from its scope. These areas of work have been excluded from the Review because they do not relate to on-going enforcement activity, or to ongoing business requirements, but are requirements for permission to do something new, which, once granted, is irrevocable.

Activities out of scope

1.30 A number of areas of enforcement work are specifically excluded from this Review.

Forthcoming legislation

- 1.31 The Review considered the effectiveness of enforcement from an evidence-based angle, and although we can assess the risks that forthcoming legislation intends to control, there is no evidence on effectiveness of enforcement. The Review thus restricted its attention to legislation currently enforced by local regulatory services.
- 1.32 Forthcoming legislation, that is to say, legislation not already in force, is outside the scope of this Review. It is noted that this includes legislation with significant implications for local regulatory services, such as the Health Act 2006 which brings in a ban on smoking in certain wholly or substantially enclosed places in July 2007, the Gambling Act 2005 which is expected to come into force in 2007 and the Consumer Protection Co-operation Regulations and Unfair Commercial Practices Directive. These will be considered as the national enforcement priorities are updated.
- 1.33 When new legislation comes into force, specific funding will often be directed at local authority staff to train them in new enforcement responsibilities. It is expected that local authorities will respond to new legislation, and after the initial implementation activity, the policy area will then be considered together with the other areas of enforcement in the refresh of national enforcement priorities. For example the Department of Health has identified £30 million over 2 years for the enforcement of the smoking ban. This money will train local authority staff to enforce the ban and carry out initial activity. This does not mean that the area is a national enforcement priority – this would be determined at the next refresh of priorities.

Specifically funded work

- 1.34 Where a government department provides funding to local authorities to carry out specific activities, this work is excluded from the scope of this Review. Examples of specifically funded work include Department of Trade and Industry funding of Regional local authority Trading Standards Scambuster teams.
- 1.35 There is a danger that departments might impose new ‘priorities’ on local authorities by part funding some enforcement activity or putting notional sums of money towards enforcement. **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 prioritisation process. However where a local authority chooses to accept such monies, it should be accountable for its expenditure.**
- 1.36 As this chapter has shown, the Rogers Review is part of a wider programme of regulatory reform, and establishing national enforcement priorities will have several benefits.

Partnership working

- 1.37 Where partnership working between local authorities and other agencies occurs this is also outside the scope of this Review. Many local authorities work in partnership with the Police and Health Services to tackle particular issues. This Review supports such partnership working.

Emergencies

- 1.38 Whilst the national enforcement priorities have been developed to help local authorities target their resources, if a national or local emergency occurs, this will clearly take precedence for the period of time to tackle the emergency. Such emergencies might include a major incidence of food borne illness or animal health issues.

Chapter 2

Local authorities: a vital part of delivering regulatory outcomes

This chapter describes how local regulatory services operate and the complex national system they fit into (Part A), discusses key developments affecting the central-local relationship including the Local Government White Paper (Part B) and implications for enforcement of the changing local government landscape (Part C). It reveals a number of challenges in balancing central and local needs.

Part A: Local authorities regulatory activities

Role and remit

- 2.1 Local Authorities considered collectively are the countries largest enforcer. Last year, the 389 local authorities in England budgeted £807 million for Environmental Health and Trading Standards Services as shown in Table 2.1. This is considerably more than is spent by any other national enforcement agency.¹¹

Table 2.1 Key data on local authority regulatory services – 2005/06

Service	Budget in England (£/million)
Environmental health service	589
Trading standards service	173
Licensing service	45

Source: Chartered Institute of Public Finance and Administration¹²

- 2.2 The regulations they enforce affect businesses, public services and citizens. This includes an estimated 3.8 million businesses in England, of which 99 per cent are small businesses employing 1-49 people.¹³ Regulation often has a disproportionate effect on small firms, both individually and collectively. These services have high levels of contact with businesses, but this varied depending upon the nature of the policy enforced.¹⁴ For instance in 2004/05, 452,000 food hygiene visits were made to food businesses and 61% of all food premises are visited every year.¹⁵ In health and safety however, whilst 242,000 health and safety visits were made in 2004/05 this amounted to less than 20% of all premises being inspected every year.¹⁶

¹¹ Environment Agency spend on 'environmental protection' was £304m referenced in Environment Agency, 2006, Environment Agency Report and Accounts 2005/6 whilst Health and Safety Executive spent £244 million referenced in Health and safety Commission, 2006, Annual Report and Health and Safety Commission Executive Accounts 2005/6, HSE Norwich

¹² www.cipfa.org.uk <http://cipfastats.net/uploads/financegeneral200607672006461739.pdf>

¹³ DTI, 2005, Small Business Service statistics, accessed at www.dti.gov.uk.

¹⁴ This was examined extensively in the Hampton review and is one of the drivers for the development of enforcement priorities.

¹⁵ Food Standards Agency returns to European Commission

¹⁶ Source: Health and Safety Executive, 2005 HELA statistics. This figure is based upon the total number of premises and the total number of inspections. In reality it will be lower as many of these inspections will be revisits to the same premises.

Table 2.2 Number of businesses for which local authorities have enforcement responsibility

Responsibility	Number in 2004/05
All enforcement responsibilities	3.8 million
Health and safety enforcement	1.1 million
Food hygiene enforcement	477,000
No of houses in multiple occupation	407,000

Source: Chartered institute of Public Finance and Administration, Health and Safety Executive and Food Standards Agency¹⁷

- 2.3 The regulatory services delivered by local authorities differ, depending on their structure, and is illustrated in Table 2.3. District authorities employ Environmental Health Practitioners, whose chief responsibilities include food hygiene, health and safety, animal welfare, housing standards and environmental protection. Counties employ Trading Standards Professionals, whose chief responsibilities are fair trading, product safety, consumer protection and weights and measures. Single-tier authorities (unitary authorities, metropolitan boroughs and London boroughs) cover all these functions and employ both Trading Standards and Environmental Health personnel. In some single-tier authorities the two professions operate separately but in others they are integrated into regulatory services teams. Both series promote public health, protect the environment and promote consumer business confidence. Chapter 6 carefully explores the implications of the national priorities for different types of local authority.
- 2.4 Local authorities operate as independent entities and they devote differing levels of resource to enforcement and fulfil their remits in different ways.
- 2.5 In terms of funding, local authorities' net expenditure on enforcement activity after deducting income from fees and charges is provided primarily through council tax and formula grant from the Government. Formula grant is not restricted to particular activities ('ring-fenced') and it is for local authorities to determine how to use it. Formula grant for 'Environmental, Protective and Cultural Services' is calculated on a relative needs formula, but this is only loosely related to key drivers of enforcement demand because it covers a wide range of other services too. In addition, costs of enforcement activity may be offset by charges and fines. These may or may not cover the full cost of

Table 2.3 Responsibility by authority type

Main enforcement functions	District	County	Single tier
Alcohol and entertainment licensing	✓		✓
Animal and public health		✓	✓
Environmental protection (air pollution, noise pollution, nuisance)	✓		✓
Fair trading		✓	✓
Food labelling		✓	✓
Food safety	✓		✓
Health and safety	✓		✓
Infectious disease control	✓		✓
Pest control	✓		✓
Pricing		✓	✓
Private rented housing standards	✓		✓
Product safety		✓	✓
Taxi licensing	✓		✓
Weights and measures		✓	✓

¹⁷ HELA, 2005, Health and Safety Activity Bulletin 2005, Health and Safety Executive, Norwich; UK return to EU Commission under Article 14 Directive 89/397/EEC 2005/06 accessed at www.foodstandards.gov.uk; www.cipfa.org.uk

- activity, depending on whether the levels are set by statute. Limited specific grant ('ring-fenced') funding is provided for enforcement activities, although some funding streams provided in this way could possibly be used for such activity (for example, the Waste Performance Efficiency Grant).
- 2.6 The range of legislation that local authorities enforce is wide ranging, as detailed in Chapter 4. The legislation is owned by ten government departments and one non departmental public body. In addition, several other national organisations are involved in delivering regulatory objectives. This creates a complex delivery system.
- 2.7 The national bodies whose regulatory objectives are supported by local authorities are:
- Department of Communities and Local Government (CLG)
 - Department of Constitutional Affairs (DCA)
 - Department for Culture, Media and Sport (DCMS) and
 - Department of Environment Food and the Rural Affairs (Defra)
 - Department of Health (DH)
 - Department of Trade and Industry (DTI)
 - Department for Transport (DoT)
 - Department for Work and Pensions (DWP)
 - Home Office (HO)
 - Food Standards Agency (FSA)
 - Health and Safety Executive (HSE)
- 2.8 Other government bodies that work alongside local regulatory services include:
- Environment Agency
 - The Health Protection Agency
 - National Weights and Measures Laboratory
 - Office of Fair Trading
 - State Veterinary Service
- 2.9 Local authority enforcement is the main (and in some cases sole) enforcement arm for some government departments, for example, in the case of the Food Standards Agency. For other departments local enforcement services play a minor part in supporting their aims. The degree of guidance that departments give to local authorities varies substantially. The Food Standards Agency carries out extensive monitoring for example, while the Health and Safety Executive was praised in local authority engagement events for its partnership approach.
- 2.10 Fair trading is an example of an area where multiple bodies are involved in delivering regulatory objectives.

Partnership in Delivery

DTI is responsible for setting the framework of consumer and competition law which lies at the heart of UK economic policy and within which OFT and local authority Trading Standards Services (TSS) operate. OFT's mission is to make markets work well for consumers. To achieve this OFT works with partners with whom it shares common objectives. Its partnership with TSS encompasses support to help them deliver their regulatory objectives and collaboration to deliver shared regulatory objectives. OFT provides a national perspective and a focus that complements the local and regional perspective and focus of TSS.

Challenges in fulfilling enforcement responsibilities

2.11 Local authorities operate within a challenging, and changing environment, as explored in Part C of this Chapter. It is notable in the context of this Review that local authorities are currently seeking to meet 2.5 per cent per year efficiency targets, and that future targets will be more stretching. The Pre-Budget Report sets out a requirement that the baseline savings ambition for the 2007 Comprehensive Spending Review period is to achieve efficiencies of at least 3 per cent per year, with a focus on cashable efficiencies¹⁸.

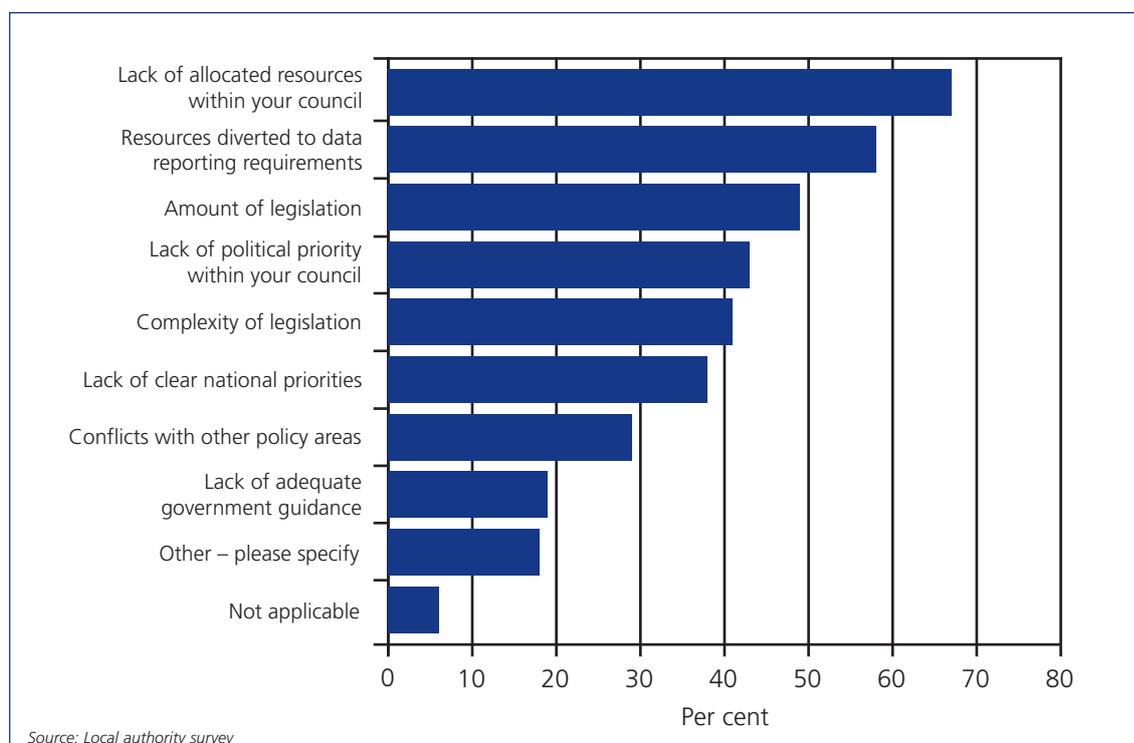
Local authority comment on prioritisation

"In a context of shrinking resources, it only makes sense to speak of further prioritisation if local authorities are to be given greater discretion about what not to do, and this will only happen if Central Government Departments and Agencies relax their grip."

Single-tier authority, LA Survey

2.12 While the overall spend on local authority regulatory services is significant in terms of regulation in a national context, each regulatory service department is a small part of the local authority it sits within. In 2005/06, the overall spend on local authority regulatory services was only 0.7 per cent of total Council spending¹⁹. This contributes to the challenges faced; as illustrated in Figure 2.1, 67 per cent of authorities find it difficult to fulfil their enforcement responsibilities due to the lack of allocated resources within their council²⁰.

Figure 2.1 Reasons why local authorities find it difficult to enforce their responsibilities



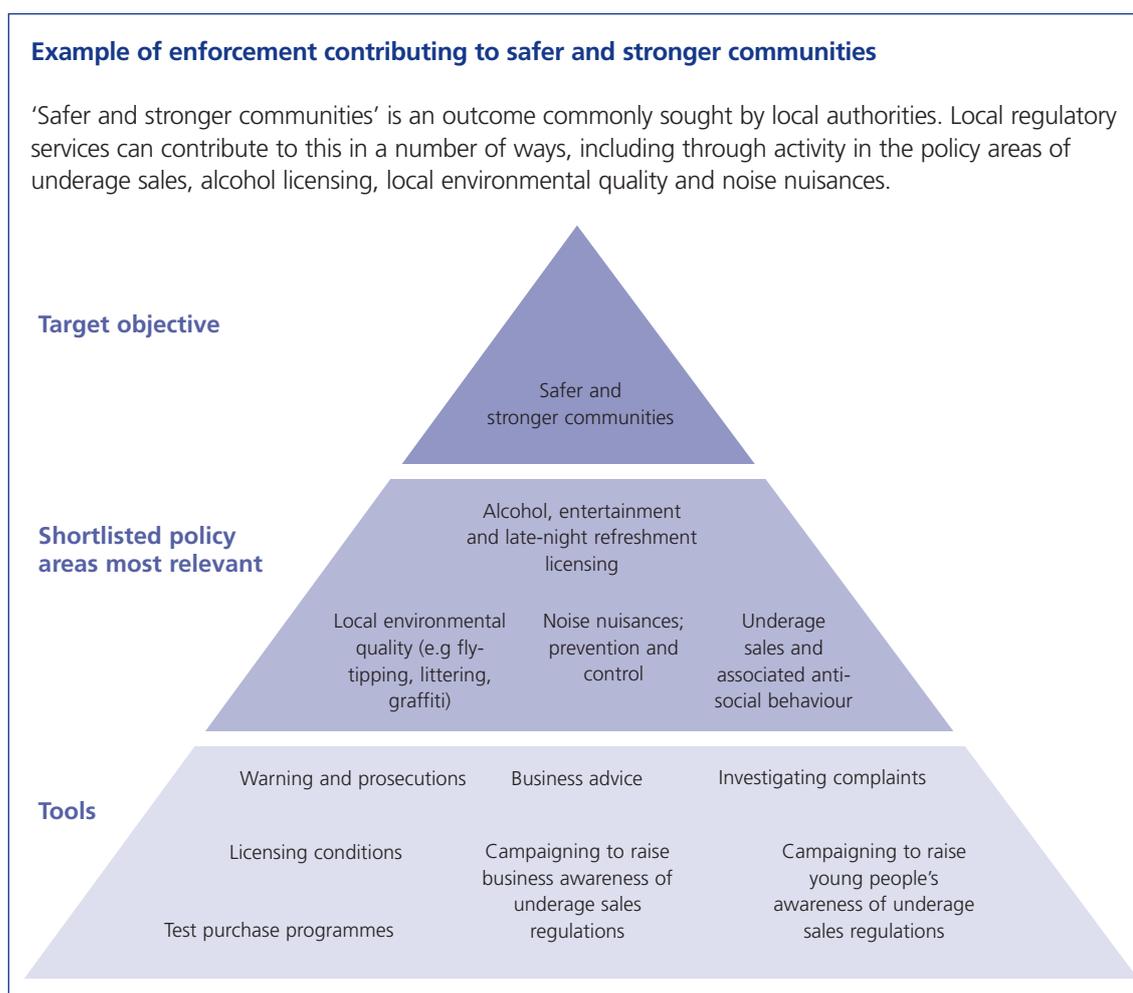
¹⁸ HM Treasury, 2006, Pre-Budget Report December 2006. London, HMSO, London

¹⁹ Chartered Institute of Public Finance and Accountancy Statistics, 2005/06. www.cipfa.org.uk

²⁰ All local authorities in England were surveyed, the results of which are detailed in Figure 2.1. In the "other" option issues of retention and recruitment were almost exclusively specified.

- 2.13 Local regulatory services are often referred to as ‘Cinderella services’, with a low profile, being perceived as behind the scenes workers, in the spotlight chiefly when tasks have not been done²¹. A lack of political priority was cited as one of the main reasons why local authority enforcers found it difficult to fulfil their enforcement responsibilities, in a survey carried out for this Review.
- 2.14 Strategic leaders sometimes fail to recognise the value added by these services. A study by LACORS shows that very few Local Area Agreements, a key strategic document for local authorities, explicitly refer to regulatory services²². The generally preventative nature of enforcement makes it hard for them to evidence their benefits.
- “Regulatory services are perceived as ‘Cinderella’ services and are not fully understood by politicians. The Rogers priorities will help focus member’s attention on this. The review of the priorities will allow new priorities to emerge to reflect changing circumstances. It won’t lift the burden as such, but perhaps spread the weight. It will help decide the balance between Environmental Health areas and Trading Standards areas. It’ll upset some but in my opinion be good in the long run. The work behind the review will help others, particularly elected members, see why the priorities have been picked and will enable there to be regulatory priorities for the next three years.”*
- Steve Miller, Head of Public Protection, London Borough of Newham*
- 2.15 However, good local regulatory services can make a real contribution to outcomes and the best local authorities can demonstrate significant benefits.

Figure 2.2 Local regulatory services contributing to outcomes



²¹ LACORS / Local Government Association 2004, Who cares, wins: A survey on the importance of regulatory services in local government, research briefing 1.04. [internet]. Available at <http://www.lga.gov.uk/Documents/Publication/regulatoryservices04.pdf> [cited 20 February 2007].

²² Wenman, T, 2007, Local Area Agreements and Regulatory Series, Survey for LACORS, London

Part B: A changing central-local relationship

The relationship between central and local government is in the process of change, with a shift in the balance of responsibilities for public services from central to local government already underway.

The Local Government White Paper

- 2.16 Key in setting out the government's vision of the future for local government is the White Paper *Strong and Prosperous Communities*²³ published in October 2006. It is 'a radical agenda for change' and it shows a clear willingness by central government to devolve more power to local authorities to shape their activities and decide how best to achieve outcomes.
- 2.17 Recurring themes in the White Paper are community involvement, councils as strong local leaders or 'place-shapers' and partnership working. These are supported by proposed changes that put local authorities clearly in the lead in ensuring that a vision for their area is developed and partnerships are in place to progress towards it. Such changes include:
- Changes to democratic procedures to strengthen leadership – including four year terms for leaders, and all executive powers vested in them;
 - A duty to prepare a Local Area Agreement (LAA), entrenching what was formerly an opt-in initiative;
 - A duty on a wide range of named partners to co-operate with the local authority in agreeing Local Area Agreement (LAA) targets, and then a duty on the same partners to have regard to these;
 - Overview and scrutiny powers being extended over partner bodies;
 - New ability to make by-laws without involving the Secretary of State and to enforce these through fixed penalty notices.
- 2.18 It is from the performance management changes that perhaps the most significant shifts in central/local relations may arise. Local authorities currently report between 600 to 1,200 performance indicators to different parts of central government. The White Paper proposes to reduce this to a set of around 200 outcome-focused measures reported in one system. In addition each authority will have a set of 35 or so key improvement targets in their Local Area Agreement that are negotiated with central government, using indicators in the new national set²⁴.
- 2.19 The Audit Commission will move to a new system called Comprehensive Area Assessment (CAA), replacing the current Comprehensive Performance Assessment (CPA). Inspection will be scaled back and largely risk-triggered. The Commission will annually undertake a risk-assessment on local services, and provide a judgement on direction of travel and use of resources to complement the performance data. The desire for good overall ratings means that most councils currently do their best to score highly on all performance indicators and that performance measures to some extent dictate much of the activities of local authorities.

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 reflects the national enforcement priorities in this Review.

The Lyons Inquiry into Local Government

- 2.20 The Lyons Inquiry into Local Government may prove to have implications for local regulatory services. This independent inquiry is due to make its final report imminently, around the 2007 budget. Its remit is to consider questions relating to the function of local government and its future role, and to recommend changes to the present system of local government funding in England, including the council tax.

²³ Department for Communities and Local Government, 2006, *Strong and prosperous communities: The Local Government White Paper* (Cm 6939-I), HMSO, London

²⁴ Department for Communities and Local Government, 2007, *Developing the future arrangements for Local Area Agreements*. [Internet] CLG website [<http://www.communities.gov.uk/index.asp?id=1506327>], cited 4 March 2007

- 2.21 Sir Michael's discussion paper, *National prosperity, local choice and civic engagement*²⁵ published in May 2006 contained similar themes to the Local Government White Paper. It is positive about devolution, understood as a shift in the balance of responsibilities for public services from central to local government, concluding:
- 'Now may be the right time for a fresh start in the relationship between central and local government through a new constitutional settlement.'* p13.
- 2.22 The report identifies that complex national performance systems can detrimentally 'crowd out' local priorities. Lyons specifically highlights the need for central government to allow space for local choice and promotes prioritisation in the centre:
- "central government needs to adopt a more focussed approach to setting national priorities, by defining a still smaller set of key objectives and requirements which it seeks to enforce and monitor in all parts of the country."* p60.

Lifting the burdens task force

- 2.23 The Lifting the Burdens task force initiative is led by a group of local authority senior officers, commissioned by the Department for Communities and Local Government to identify centrally set requirements and indicators that cause most difficulty for local authorities so that steps may be taken to reduce these burdens. It is focussing heavily on reporting requirements and aims to reduce the number as well as the effort that goes into collating and reporting up to central government. This will then re-dress the balance in favour of efficiency and meaningful reporting to communities. The task force is recommending collecting data once and using often, consolidating surveys to reduce duplication and standardise definitions, the removal of all other performance management frameworks for local government outside of the Local Area Agreement and national indicator set and limiting inspection to 'at risk' or failing authorities.
- 2.24 The complementary nature of the work of the task force and the Rogers Review meant they were able to feed into each other.
- 2.25 The Lifting the Burdens task force plans to take account of the findings of this Review and will aim to ensure that its proposals for future reporting regimes are proportionate to the priority that policy areas are accorded.

Reaction of local government to policy changes

- 2.26 Local government and its representatives are actively lobbying for devolution²⁶. A recent report hints at the passion felt, subtitled as it is 'vive la devolution!'²⁷ It thus seems likely that many councils will seek to rebalance their activities to reflect their local issues when they are granted more freedom to do so.
- 2.27 Within the local government community, strong arguments are put forward for the local control of enforcement. LACORS chair, Geoffrey Theobald has stated that:
- "LACORS has petitioned strongly for the retention of all regulatory services that are within the remit of Councils, as we feel they are the most appropriate delivery organisation and are best placed to provide a local and imaginative set of services in line with the evolving Government agenda of localisation."*

²⁵ Lyons, M, 2006, *National prosperity, local choice and civic engagement*, HMSO, London

²⁶ Local Government Association, 2007, *Closer to People and Places – a new vision for local government*. [internet]. Available at <http://campaigns.lga.gov.uk/peopleandplaces/home/> [cited 20 February 2007].

²⁷ Local Government Association, 2007, *Prosperous Communities II: vive la devolution!* London: Local Government Association.

Part C: Implications for enforcement of the changing local government landscape

- 2.28 A shift in the balance of responsibilities for public services from central to local government promises benefits as councils become better able to shape their services to local demands and join up with other public sector partners.
- 2.29 The introduction of a streamlined performance framework, with a limited number of improvement targets included in LAAs, may pose challenges for regulatory services. It will mean that the agreement between Government and local authorities and their partners about priorities will be critical. It is possible that, in future, LAAs may include relatively few improvement targets that focus on regulatory services. It is therefore crucial that local political leaders take account of regulatory services in these negotiations. Failure to do so may lead to an inappropriate reduction in enforcement activity. This review views this with concern and in recommending national enforcement priorities seeks to ensure attention remains focussed on key functions and legislative requirements.
- 2.30 In addition, there are some conceptual issues relating to how far devolution or greater local choice is appropriate for certain regulatory services.

Benefits and costs spread outside local area

- 2.31 Certain functions do not appear appropriate for full devolution because the benefits of enforcement are widely felt beyond the local area, making them a matter for more than local choice. This applies where functions form part of a national system of protection. Here, inactivity by one authority could have substantial impact outside their boundaries. To put this in practical terms, one or two councils failing to ensure proper records are kept of animal movements could lead to a major outbreak of animal disease with major economic repercussions.
- 2.32 Another example where the benefits of enforcement are felt outside the area where the activity is undertaken is in the disease control functions and supervision of imported food exercised by the 64 Port Health Authorities. Whilst only a limited number of authorities hold Port Health responsibilities, it is to the benefit of society as a whole that such issues be tackled at point of entry to the country to avoid much more significant problems that could arise if they were to spread more widely. The level of performance by each and every Port Health Authority has a direct impact on the overall result achieved at national level and therefore ensuring consistency of approach and rigour across these authorities is of national importance.

Delivering animal health outcomes: a complex and fragmented chain

Local authorities' Trading Standards Professionals enforce much of the legislation to deliver positive animal health outcomes such as preventing outbreaks of diseases such as avian influenza and foot and mouth disease.

The Eves report²⁹ was commissioned by Defra to examine the animal health and welfare delivery landscape. It found that:

- *'The roles and responsibilities of everyone acting in the delivery system were not perfectly clear to their delivery partners and there was evidence of some confusion about what one could expect of another...'*
- *'If better "joined up working" is to be achieved, respective roles and responsibilities need clarification, specification and communication to everyone in the system'*

²⁹ Eves D, 2006, Review of the Animal Health and Welfare Delivery Landscape. Internet: Defra website [accessed at <http://www.defra.gov.uk/animalh/ahws/deliver/review.htm> 8 Mar 07].

- *'An intricate web of service level agreements and memoranda of understanding seems to be spun in the hope that this will bind the system together but ... (Eves) found them to be complicated, lengthy and rather legalistic in nature.'*
- *'The delivery system itself is not robust. There are problems of duplication and inconsistencies in inspection and enforcement that are troubling policy makers, enforcers and duty holders, and irritate duty holders and other customers for the services, none of whom feel empowered to correct the situation.'*
- *'The data input to AMES [Animal Health & Welfare Management and Enforcement System database] by local authorities about their inspection and enforcement activities paints a very mixed picture.'*

Eves concluded that:

"the whole delivery system needs to be strengthened and brought under proper control".

Defra have now funded specific officers within local authorities to carry out these functions, with funds reserved for this purpose.

A comment from the local authority survey illustrates the need for a system of control:

"We appreciate how difficult it is to determine priority. Priority is not always a reflection of the need for resources to achieve an outcome. Some high priority activities can be achieved without the need for significant resources, other lesser priorities e.g. the animal health and welfare regime are very resource intensive and can be completely undermined by a few gaps."
County council, LA survey

The need to deliver national regulatory objectives

2.33 Local authorities are often the sole enforcement agents for delivering regulatory objectives. If they were to choose not to carry out enforcement action in some areas because the need at local level was not obvious or politically relevant, some objectives of central government might not be met. Where the objective of the law is to protect 'life and limb', and where non-enforcement might expose large numbers of people to high risk, there will be an expectation by the public at large, consumers or workers that enforcement action will occur (this has been clearly shown by the Review's stakeholder work reported later in this document).

The requirements of European law

- 2.34 Where European Directives are transposed into domestic law and local authorities are given responsibility for enforcing the requirements thus placed on people, the legislation will not necessarily give an indication of what level of activity is required of local authorities. As the Government is held accountable for non-enforcement, local authorities cannot make the decision about what is an adequate level of enforcement in isolation. To make the priorities meaningful, further advice will be necessary for local authorities to clearly understand what they must do and what they can choose to do. Advice will also be necessary on how they will be expected to carry out these activities.
- 2.35 Priorities simply focus attention on a small number of national issues and allow freedom for local authorities to identify areas that are really important to their local communities. In doing so, they still need to undertake their vital role in the delivery of European regulatory objectives, whether or not these are identified as being a national or local enforcement priority for the time being.
- 2.36 This is a great opportunity for local authorities to reconsider how they undertake enforcement. By thinking strategically about objectives, effectiveness can be optimised; real efficiencies can be achieved by changing the focus of enforcement activity, providing advice, support and education, capitalising on synergies, and using different tools to deliver the best outcomes for local people.

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

To make the priorities meaningful on the ground and help local authorities to determine adequate levels of activity, government departments should work with the Local Better Regulation Office 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.

An example of acting in an area which is not a local or national enforcement priority but which is a significant statutory responsibility in Europe

Regulation (EC) No 1829/2003, genetically modified food and feed

The genetically modified (GM) food and feed regulation provides a harmonised procedure for the scientific assessment and authorisation of Genetically Modified Organisms (GMOs) and GM Food and Feed. The assessment procedure is centralised, with the European Food Safety Authority (EFSA) taking responsibility for undertaking this process.

The Regulation requires the labelling of all GM food and feed, which contain or consist of GMOs or are produced from or contain ingredients produced from GMOs regardless of the presence or absence of GM material in the final food or feed product. Responsibility for inspection and other control measures to ensure compliance with these two regulations falls to local authorities. The specific areas for **monitoring** are **thresholds** for the adventitious presence of GM material in non-GM food or feed and **labelling** of products.

Local authorities are **required to take a risk-based approach** to enforcement which will include checking documentation, taking samples for analysis where necessary to ensure that documentation and labelling are correct.

The EU Commission Food and Veterinary Office carry out Missions to all Member States from time to time to ensure that this legislation is being properly implemented.

Some regulatory outcomes can be more efficiently achieved working across a larger geographic area

- 2.37 In certain cases there are benefits from working on issues across geographic areas that are wider than one local authority.
- 2.38 Where the target of regulation can move around the country, as rogue traders often do, more effective action can be achieved by local authorities collating their evidence and acting together. Effective enforcement in one area could simply displace the problem unless there is good co-operation between authorities.

Cross local authority planning of Trading Standards activity

OFT has provided strategic leadership in the creation of a Regional Intelligence Network which has adopted the methodology of the National Intelligence Model (NIM), which is the accepted best practice planning process in law enforcement.

In January 2007 OFT produced the first national assessment of trading practices that are detrimental to the interests of UK consumers. It was produced using the National Intelligence Model and it was based upon a series of regional assessments of the current issues facing Trading Standards Series on the ground.

The purpose of regional and national assessments is to provide an evidence-base for choosing regional and national trading standards and consumer protection priorities. It will inform the development of control strategies at local, regional and national levels, outlining actions to be taken with regard to intelligence gathering, awareness and prevention activities and enforcement action to tackle the priorities identified, namely:

- Doorstep crime and doorstep-related scams
- Informal economy – Intellectual Property crime
- Informal economy – illegal money lending
- Car sales and servicing
- Underage sales
- Mass marketed scams

Balancing tensions between localism and the need for control over nationally important enforcement – the solution

- 2.39 The importance of the localism agenda is clear, and there are advantages to the delivery of services close to the communities affected. There is, however, a tension with achieving national regulatory objectives. Some areas of regulation require a consistency and robustness of enforcement, without which it will not be possible to ensure that national regulatory objectives are achieved.
- 2.40 Taking account of the direction of travel in central: local relations there are two main approaches that could be explored to address these tensions.
- Is some enforcement activity not suitable to be carried out at local level?
 - Can the areas where localism will challenge the delivery of outcomes be identified, and these areas made national priorities for local authority enforcement?

Identification of areas not suitable for local enforcement

- 2.41 It is clear that there are areas where only co-ordinated, cohesive and consistent enforcement of issues will deliver national regulatory objectives. If these issues are high on the local agenda, it is likely that regulatory objectives will be delivered anyway through local prioritisation of action. However there may be issues not high on the local agenda, but where regulatory objective can only be delivered by the sum of the action of numerous local authorities (e.g. animal health) or where the benefits of enforcement action in one local authority are experienced by a much wider community (e.g. some imported food work).
- 2.42 Dealing with such issues entirely within a localism agenda is difficult. Some areas may be amenable to the second option, i.e. the setting of national priorities. However, where the burden of enforcing issues that are important to the whole country fall only on a small number of authorities, national priorities for all local authorities appears to be a untargeted scatter gun. Consideration should be given therefore to taking central control over the enforcement of such areas. The Review has explored the policy areas carried out at local authority level and this report examines whether any policy areas would benefit from central control.

Small number of national enforcement priorities

- 2.43 The second approach of establishing a small number of national priorities for enforcement appears to deal better with the localism issue. It acknowledges that for the vast majority of enforcement areas, local authorities are best placed to understand and deliver what is relevant on a local agenda whilst providing safeguards.

- 2.44 The analysis above identified a number of specific characteristics that might lead to a policy area becoming a national enforcement priority. These are:
- Where the regulatory objective is to protect the population from high levels of harm or risk, and it is shown that local enforcement can make a real impact on reducing this risk, it is more likely that the policy area should be a national enforcement priority, and/or
 - Where to be effective in achieving a national regulatory objective to prevent high levels of harm, there has to be a cohesiveness to the enforcement system i.e. to protect against a risk all parts of the enforcement system have to be performed, and/ or
 - Where the enforcement of a policy area within local authorities is essential so that achievement of national political priorities is not undermined.
- 2.45 In reality the enforcement of most policy areas will not fit these criteria. These are issues that can be dealt with at a local level. There are other factors that best indicate that local decisions about enforcement priority based upon what local communities want are likely to be more effective and efficient at achieving good outcomes. These are:
- Where the problem that the enforcement regime aims to prevent is geographically very disparate across the country, with wide variations of problem by local authority or region.
 - Where the way that a problem is dealt with in one authority does not affect the existence or handling of a problem in another authority.
 - Where the problem directly affects the well-being of local communities as these issues will be locally politically salient.

Chapter 3

The approach to prioritisation

This chapter demonstrates how an evidence-based approach was taken and describes the process of analysis and the justification for it.

This Review has taken an evidence-based approach. It has sought to objectively consider data on risk and to take account of a range of stakeholders' perspectives. The short time-scale has enabled a sharp focus on key issues.

Rationale underlying the approach

- 3.1 It was always clear that defined prioritisation criteria would be essential to identify and justify the national enforcement priorities.
- 3.2 The methodology used in this Review takes account of experience from previous prioritisation attempts. It was decided to adopt an evidence-based approach due to the difficulties in reaching collective priorities through consensus. It was also decided to seek to avoid wide catch-all outcome priorities, which tend to emerge in prioritisation, because these offer little practical guidance for activity planning and progress is hard to measure against them.
- 3.3 Because the areas being considered are regulatory, consideration of risk and harm was viable. This follows international examples, as Figure 3.1 highlights.
- 3.4 A purely numerical approach was deemed too crude however due to the different natures of the risks being considered. Furthermore, data gaps would have caused major practical difficulties. When talking about impacts such as damage to health or the exploitation of the vulnerable, reducing impact to one number, such as monetary value, was viewed as insufficient to take account of all relevant factors. It was felt essential to consider stakeholders' opinions as well. A scoring system approach relying solely on statistical data on risk/harm was also rejected as likely to inhibit the consideration of issues in the round and to unfairly benefit policy areas with 'data-hungry' national champions.
- 3.5 These considerations resulted in the method selected, whereby judgements were made against considered criteria, following the evaluation of relevant evidence. A two-stage process was adopted as on reviewing the first long list of 61 policy areas it was noted that several appeared to be of localised importance, and it would have been impractical to consult stakeholders or conduct full evaluation on all of these.

Figure 3.1: International examples of risk-based methods

Risk-based methods for prioritising agents, problems and policy interventions are commonly used across the world. There are examples for instance of:

- Prioritising the targets for protection or enforcement. The Australia Conservation Agencies use the 'Back on Track' Method³⁰ (a different species-prioritisation method) to decide how best to use limited resources on an increasing number of listed threatened species.
- Prioritising different industrial sites. The United States Environmental Protection Agency established a National Risk-Based Priority Panel³¹ of programme experts to evaluate the risk at contaminated land sites. The approach scores sites on their impact on human and environmental health. This national approach is intended as a way for each region to list its priority projects and rank these projects against those of other regions, ensuring that scarce resources are allocated to the projects posing the most risk to human health and the environment.
- Prioritising pathogens for control. The National Institute for Public Health and the Environment in the Netherlands has attempted to prioritise activity against food borne pathogens. They used incidence, disease burden, cost-of-illness, food attribution, prevention measures and risk perception to prioritise food borne illness to ensure that interventions are effective and efficient³².
- Prioritising policy interventions. HM Treasury guidance shows how in some fields it is possible to compare the 'value' or 'worth' of choices using monetary valuation.³³

Stakeholder engagement

3.6 The Review identified at an early stage that evidence about a number of issues would be needed to reach a full understanding of the impact of local authority enforcement and the case for acting in each area. These issues included:

- The risk that the regulation is attempting to control, and the resulting harm that regulation seeks to prevent or make good
- What local authorities are able to do to control risk and encourage compliance
- The effectiveness of local authority enforcement in controlling risk, and its contribution if there are any other actors involved in enforcement
- Citizens' views on whether the risk is of particular concern, and why
- Businesses' views on whether the risk is of particular concern, and why, and also on whether they feel that value is added by local authority interventions
- Political importance of the policy areas

3.7 Gathering and interpreting this evidence required engaging with a number of key stakeholders including government departments or regulators, local authorities, experts on local regulatory services, citizens and businesses. In addition, engagement also sought to explore opinions about the concept and value of national enforcement priorities.

Local authority engagement

3.8 It was critical to gather local authorities' views about enforcement practices and effectiveness, current local priorities and the concept of national enforcement priorities.

³⁰ Marsh et al.(2006) Optimizing allocation of management resources for wildlife, Conservation Biology published online November 2006

³¹ Information available at <http://www.epa.gov/superfund/programs/nrbpp/index.htm>

³² M.-J.J. Mangen, Y.T.H.P. van Duynhoven, W. van Pelt, J. Kemmeren, A.H. Havelaar, 2006, Prioritization of food borne pathogens National Institute for Public Health and the Environment, Netherlands

³³ HM Treasury, 2005, Managing risks to the public: Appraisal guidance, HM Treasury London.

- 3.9 An online survey of all English local authorities provided all authorities with a way to comment. This achieved an extremely good response rate, from 43 per cent of all authorities (167 out of 389). These results are used throughout the report, and further detail is provided in the supplementary volume, part 2.
- 3.10 This survey sought views on:
- Effectiveness of enforcement
 - Challenges in enforcing areas of responsibility
 - Resources devoted to policy areas
 - Local priorities
 - National priorities
 - Any other comments on the Review
- 3.11 In addition, five face-to-face consultation events were attended by senior representatives from 179 local authorities. The events were held in Leeds, Birmingham and London and high demand led to two additional sessions being held. At these sessions, small group discussions were held to gauge opinion and to consult on the short listed policy areas. The main outputs from the local authority events are provided in the supplementary volume, part 2.

Public engagement, including citizens' discussion groups

- 3.12 It was felt that obtaining citizens' views would provide valuable insight into the level of concern about particular issues among the general population. New research was commissioned to inform the Review, with six group discussions being carried out across England with a representative mix of people.
- 3.13 Key findings from these are presented in the summary cases by policy areas, and fuller detail is given in the supplementary volume, part 1. Broadly, it was felt that enforcement is important, particularly where the public do not have the ability to protect themselves. There was a considerable degree of consensus as to the areas of most concern.

Businesses and their representatives

- 3.14 The views of business were sought, in particular in relation to enforcement areas of which they had experience. This aimed to provide the Review with an understanding of where firms thought local authorities currently added or could add most value, and also where businesses believed that there could be significant benefits from a more consistent approach. This is described in full in the supplementary volume, part 3. There was recognition that business representatives might find it difficult to differentiate their views as to what is in the best interests of their business from their views as citizens.

Business views were gathered in two ways:

- Nineteen trade associations, representing over 600,000 businesses in a range of sectors were consulted through a business breakfast meeting and individual meetings. Several consulted with their members before forming an opinion.
- Nine group discussions were conducted with groups of small businesses and large businesses in London, Birmingham, Reading and Manchester. These were run by an independent research company, and sought opinions on regulation generally, local authority enforcement and the short listed policy areas.

Expert User Group

- 3.15 An 'Expert User Group' was formed, comprising heads of regulatory services from different types of local authorities and professional body representatives. They helped with data gathering and interpretation, as well as advising on issues around the approach.

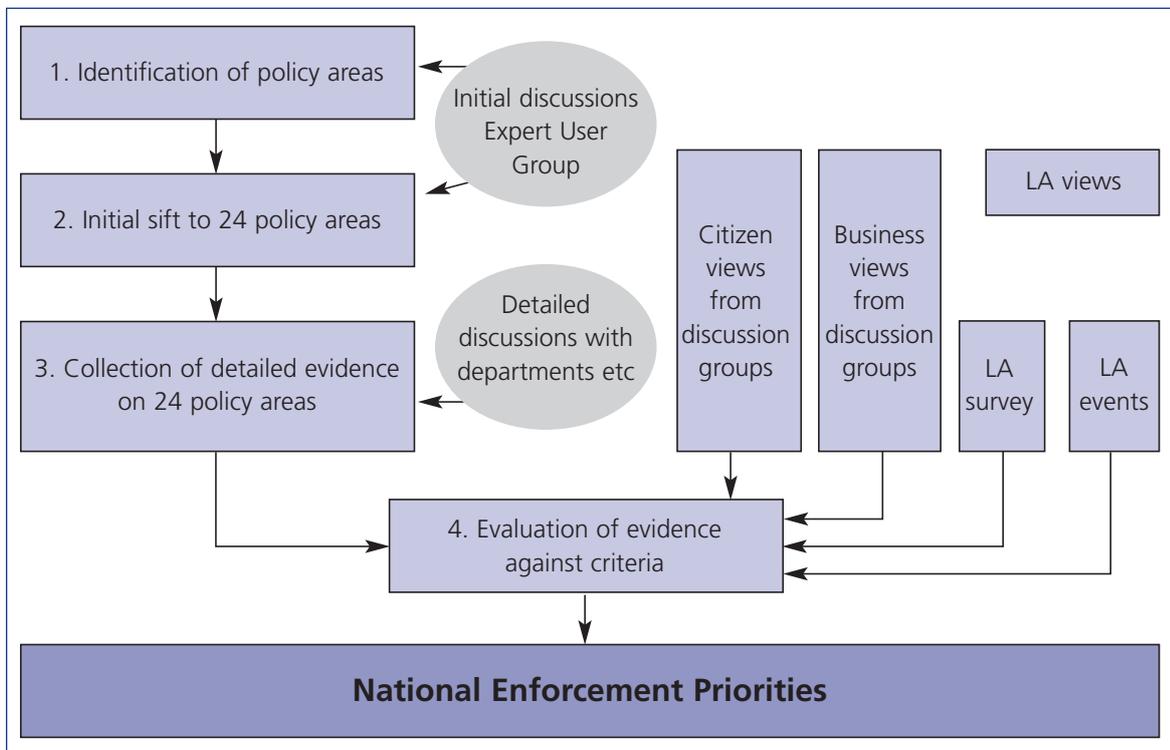
Methodology and process used

Overview of the process

The analysis was carried out in four stages, and is illustrated in Figure 3.2:

1. Identification of the policy areas subject to local authority Trading Standards/ Environmental Health enforcement, resulting in a long list
2. An initial sift, where a scoring matrix, chiefly relying on published sources, was used to reduce the long list to a manageable number
3. Collection of detailed evidence on the short listed policy areas relating to the risk or harm prevented and the perceptions of local authorities, citizens and business of their importance
4. Evaluation of the evidence collected against the criteria

Figure 3.2 Illustration of process used to identify the national priorities



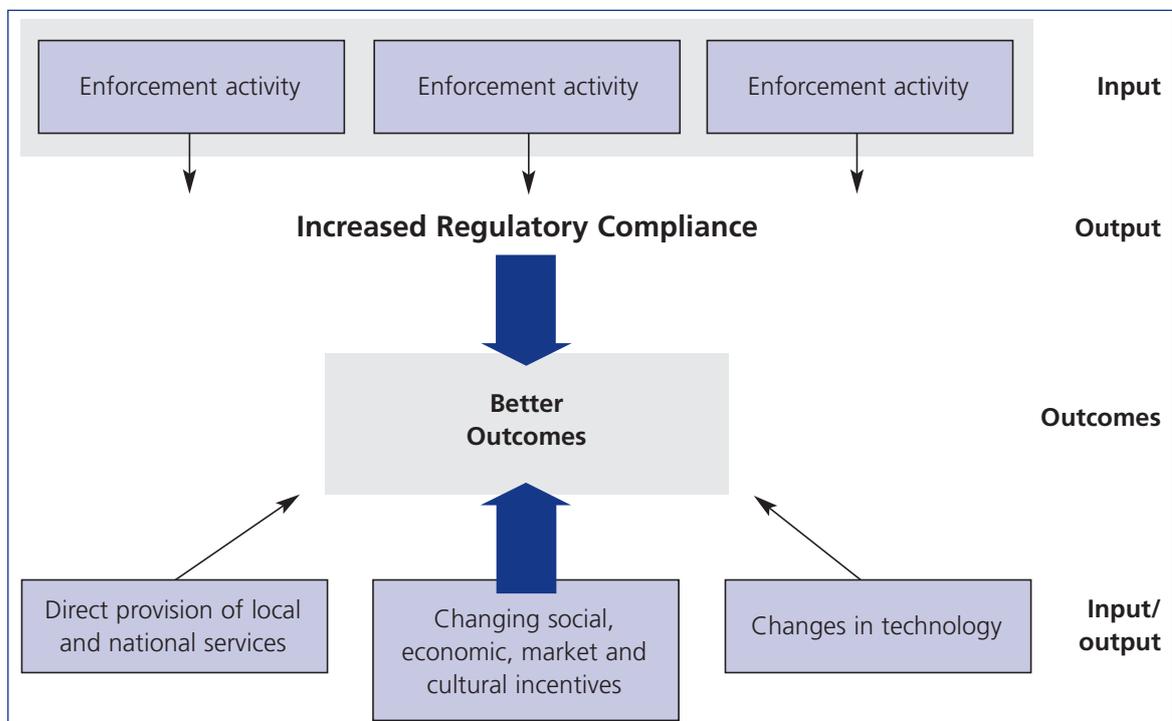
Stage One: Identification of policy areas

3.16 The Review was set the objective of identifying national enforcement priorities to inform the resource planning of local regulatory services and to promote activity to control nationally significant risks. It was therefore necessary to work at the level of outputs, not outcomes.

3.17 Objectives relating to broad outcomes, such as 'healthy communities' are recognised as extremely helpful in many cases. They drive partnership working and encourage the consideration of the best way to achieve a goal. Ultimately only a holistic approach with full engagement of all partners will help achieve some of the very difficult challenges facing local authorities. Local authorities are generally very aware of their corporate outcome priorities and these are expressed in plans and set appropriately at the highest political level. However, in this Review adopting outcome priorities that are all encompassing would not provide the clarity that local regulatory services need. It would also be almost impossible to de-prioritise a broad outcome topic such as 'healthy communities', given the inter-relationships between outcomes and the limited nature of the Review's remit.

- 3.18 Furthermore, it must be appreciated that many factors influence outcomes. A desired outcome may be influenced far more by socio-economic shifts than compliance. For example, the number of deaths at work has fallen in the past decades, due partly to enforcement, but also to a significant extent due to there being fewer workers in heavy industries. Measuring progress against outcomes like this would provide a poor guide to local authorities that would most benefit from support.
- 3.19 Regardless of other factors, the importance of effective enforcement in achieving compliance should not be under-estimated. It is often the best lever available to the public sector to control risk.
- 3.20 The factors that bear on outcomes are illustrated in Figure 3.3. This shows the complex interaction between the input (enforcement activity), the output (improved compliance in relation to those regulatory objectives) and improved outcomes (i.e. better health, cleaner streets etc), as well as some of the other factors that affect outcomes.

Figure 3.3 Inputs, outputs and outcomes



- 3.21 At the output level, data is much more readily available. It is far easier to think about how significant a defined output is in contributing to outcomes than to work the other way around. Taking underage sales as an example, it is not difficult to identify that carrying out test-purchasing, education and formal enforcement action supports outcomes of 'safer, stronger communities', 'healthier communities', and well-being of 'children and young people' (these being headings used in CLGs Local Area Agreement framework). However, if one tries to consider which regulatory outputs are most closely associated with achieving 'healthier communities' it is hard to know where to start gathering data.
- 3.22 A list was therefore developed at the level of local authority enforcement activity outputs. Legal texts were used as an initial guide to areas where local regulatory services had powers to take formal action. There are hundreds of regulations giving local authorities enforcement powers however, some are extremely specialist. While departments thought along legislative lines, the Expert User Group strongly advised that local authorities would not recognise such an approach. They carry out visits or activities themed along practical lines and will use powers from one or more legislative sources depending on the problems they encounter where they either feel formal enforcement action is appropriate or they are required by statute to tackle them. Therefore a list was put together to seek to indicate local regulatory activity clustered around policy areas. For instance, in the policy area of

underage sales, local authority activities such as test purchasing for alcohol or cigarettes were packaged together. The list was developed over several iterations under the advice of the Expert User Group. This resulted in a list of 61 policy areas.

Stage Two: the initial sift

- 3.23 It was then necessary to reduce the long list of policy areas to a more manageable number that could be considered in detail. At this initial sift, a wide set of criteria were used with the intention of capturing areas where there might be high levels of risk/harm or public, business or political concern so that these could be further reviewed. The criteria are shown in Figure 3.4.
- 3.24 A simple scored assessment of policy areas was made against the chosen criteria on the basis of publicly available data, using for example:
- Departments and regulators websites, including statistical publications,
 - Published Regulatory Impact Assessments,
 - Local authority websites,
 - Professional bodies websites and
 - Expert sources such as research publications.
- 3.25 The evidence from public sources was limited and inconclusive in some areas, and for some of the sift criteria proxies had to be used in the absence of data. Data limitations also made this process quite reliant on judgement. However, given that incidents of severe harm, such as deaths, tend to be well recorded this was felt to be an appropriate method. The methodology was agreed by the Expert User Group.
- 3.26 To validate and moderate the results the Expert User Group were then asked to sift areas with the Review team. They advised on the method and reviewed the scores allocated to each criterion for each policy area.
- 3.27 This resulted in a scored list of policy areas, in which a natural break was identified. To ensure no potentially critical areas were missed, the Expert User Group was then asked to advise on the results and this led to a small number of additional policy areas being put forward for consideration in detail. Chapter 4 presents the sift results.
- 3.28 In the subsequent process of evidence-gathering, stakeholders were also asked to identify any policy areas they felt merited detailed consideration. There was no consensus on clear omissions. All central government departments were then contacted, particularly where their policy areas from the long list had failed to reach the short list, and invited to provide evidence if they were concerned. None did so.

Figure 3.4 Simple evaluation criteria for initial sift

Each policy area was allocated a score on each of the numbered criteria below.

Risk/ impact of policy area on whole community in local authority

1. Impact/ risk of specific policy area

Score to indicate the impact that the policy area potentially has on the local community, based on a qualitative judgement of impact supported by quantitative data if available. Any area that scored maximum marks in this criterion was automatically selected for the next stage of analysis

For areas where no quantitative data exists the following matrix was used to guide judgement:

Simple risk assessment matrix

	Likelihood of 'harm' occurring			
		1 Unlikely or affecting small numbers of people	2 Likely or affecting moderate numbers of people	3 Very likely or affecting large numbers of people
Severity of Harm	1 Minimal damage/ illness/ affect	Low	Low	Medium
	2 Moderate damage/ illness/ affect	Low	Medium	High
	3 Large damage/ illness/ affect/ death	Medium	High	High

The impact under consideration was that on the local community, and specifically identified. For instance, it was not acceptable to state that weights and measures legislation protects people from high risks as it is ensuring safe markets and confident consumers. The impact of not enforcing this legislation needed to be considered, for instance what would happen if weighing equipment was not checked. Would high harm occur? Would consumer confidence be lost?

2. Effectiveness of local authority enforcement of measures on reducing the impact/ risk

This gave an indication of whether enforcement of the legislation in this area can impact on the risk posed by the policy area e.g. it may be that a policy area poses a high risk but local enforcement will not reduce this.

For instance in relation to local air pollution controls, how much do these contribute at a local level. Can enforcement of this legislation reduce the problem at a local level or is traffic or trans-boundary pollution the main issue?

3. Other enforcement mechanisms

For many policy areas, local authority enforcement is the only mechanism to enforce legislation, and a score given for this criterion reflects this.

National political priority

4. Does the policy area relate to political priorities agreed between national and local government?³⁴

This indicates potential national political importance of enforcement of the policy areas. Any issue that scored in this category was automatically selected for further analysis.

5. Does the problem, to which the policy area relates, vary geographically?

If there were large variations in complaints for instance, about an issue this was taken into account, as national priorities on the whole should reflect problems that are experienced by a large proportion of the community.

³⁴Local Government Association, 2006, *Shared priorities*. LGA: London

Public/business perception

Proxies for public concern and perception had to be used due to lack of available evidence. Although some literature exists gauging public opinion³⁵ on regulatory priorities within one regulatory area, none could be identified gauging public perception of one area relative to another.

6. Complaints by members of the public

Complaint levels give an indication of how the public are impacted by the problem, whether they see the local authority as the enforcement agency and how they perceive the problem. Scores were given for high, medium and low levels of complaint.

7. Local ombudsman complaints

Ombudsman complaints for maladministration indicate how those affected by enforcement feel they have been treated by local enforcement agencies. High levels of ombudsman complaints indicate: public concern, lack of priority for enforcement and perception of those affected.

Legal status

8. European requirements on enforcement mechanisms

The European Union specifies how enforcement should be performed in certain policy areas, leading central government to be particularly concerned about consistency and non compliance with European Union law. Where the requirements implement European Directives, non-implementation could leave the Government exposed to infraction proceedings. Such areas were noted.

9. Statutory duties

Some legislation requires local authorities to perform activities rather than simply giving them powers to do so. These were noted.

Stage Three: Detailed evidence gathering on the short-list

3.29 Detailed evidence was sought on the 24 policy areas passing the initial sift.

3.30 Departments/ NDPBs responsible for these policy areas were first sent a pro-forma request for information, particularly requesting statistical evidence on risk, harm and activity levels. A series of meetings then took place. Initially, difficulties were identified in producing evidence on a few of the policy areas as defined, as some overlapped or were closely related to other areas owned by another department. This led to the refinement of the definitions of certain policy areas. For instance in discussions with the Food Standards Agency and Defra it was agreed that the issue of meat importation was more closely aligned to the policy area of animal health than it was to imported food, and so evidence relating to meat imports was included in the animal health case rather than the imported food case. Later meetings explored the meaning of the data provided, the sources, validity and reliability. This process resulted in business cases for each policy area being provided by the department/NDPB responsible, and indicating why in their opinion the policy area should be a national enforcement priority. These are in the supplementary volume, part 4.

3.31 The Review team were surprised to note that only a limited amount of evidence could be provided for certain cases.

3.32 Local authority, citizen and business consultation then took place around the refined short list using the methods described earlier in this chapter.

³⁵National Consumer Council, 2007, *Better Regulation: the consumer contribution*. London: National Consumer Council.

3.33 Following data being sought on 24 areas, local authorities' responses revealed that in practice activity relating to 'product safety (not subject to specific safety regulations)' and 'product safety (subject to specific safety regulations)' was packaged together. The Department was also unable to separate evidence on this basis. Therefore, after the final evaluation, these policy areas were merged to become the 'product safety – general and specific product area'.

Stage Four: Evaluating the detailed evidence to identify national enforcement priorities

3.34 The process used at this stage was an evaluation of all collected evidence to judge how far each policy area met selection criteria. This evidence included the department/NDPBs business case with risk/harm information, local authority views, citizen views and business views. A moderation process was used to ensure consistent judgements.

3.35 This resulted in six priorities being identified, and these are presented in Chapter 5 alongside the key evidence justifying their selection.

3.36 Figure 3.5 below summarises the selection criteria used, before their rationale is explained in detail.

Figure 3.5: Criteria for national enforcement priorities

The policy area;

- Aims to prevent high levels of risk distributed through society, and is capable of being effective in doing so, and/or
- Requires a national control system where all parts of the enforcement regime are in place to prevent harm, and/or
- Is a nationally important political priority

Criterion 1: high levels of risk distributed through society

A policy area may be justified as a national enforcement priority where risk is critical and widespread meaning that:

- The policy area relates to either risk of serious damage to the health of many people, risk of serious damage to the national economy or risk of serious damage to the physical environment over a wide area.
- There is a reasonable likelihood that this risk will result in such damage if not controlled.
- Local authorities' powers in this area are effective in controlling the risk or capable of being effective in doing so.

There was widespread consensus that risk to health was of most concern; this was evident in citizen discussion groups, local authority events and business engagement. Stakeholder comments on this include:

"In identifying the top priorities, the emphasis must be primarily on potential detriment to public health and safety rather than on economic protection".

Confederation of British Industry

"We are of the view that if ... specific areas must be decided upon then those on the list that have a direct impact on safety must take priority over those that only have economic outcomes".

British Retail Consortium

'It's everybody's basic requirement to live in a safe environment isn't it?' Male, 41+

Birmingham, citizen group discussions

[in relation to an area viewed as a low priority] 'Again it's annoying but doesn't affect everybody, it's not a universal thing. It doesn't affect your health' Male, 21-40

London, citizen group discussions

Areas where serious economic damage could occur were also widely cited as meriting strong controls.

Controlling the risk of damage to the physical environment over a very wide area such as could arise from, for example, from a leak from a chemical plant was also felt to be an appropriate area for national direction. At the present time, local authority enforcement activity does not control this sort of risk, but it should remain a criterion for future consideration.

Areas where risk is most likely to lead to other types of problems were frequently cited as of lower priority. This other damage could for example take the form of disruption to normal patterns of life (such as caused by nuisance behaviour) or individuals losing money. However, this is not to say that such problems are unimportant, and they may be extremely distressing for those experiencing them.

Because this criterion looks for a risk of damage to many peoples' health or the national economy, it is unlikely to be met by policy areas where risks are particularly locally concentrated and any resulting damage is not of a sort that can spread to other areas.

This criterion requires that local authorities' powers should be capable of effectively controlling the risk. This is to prevent priority being assigned to policy areas where no matter how local authorities act they would be unable to deliver meaningful benefits. It is felt appropriate to assume powers are adequate unless evidence to the contrary is put forward.

Criterion 2: requires a national control system

National control systems exist where a co-ordinated and systematic approach is needed nationwide to control a risk. The risks involved can lead to damage that can spread from its area of origin.

A policy area may be justified as a national enforcement priority where risk is critical and every actor must play their part in a national system to control it:

- The policy area relates to either risk of serious damage to health, risk of serious damage to national economy or risk of serious damage to physical environment
- There is a reasonable likelihood that this risk will result in such damage if not controlled
- Local authorities' powers in this area are effective in controlling the risk or capable of being effective in doing so
- Every local authority with relevant responsibilities must play its part to maintain control.

In this prioritisation exercise only a few areas for focus are being sought, so this criterion looks only for risks that could seriously impact on health, economy or environment for the reasons explained in relation to criterion 1.

Criterion 3: national political priority

Local regulatory services, as with other council services, should be capable in certain circumstances of being influenced by national policies and factors.

To have due regard to devolution considerations, a policy area should be prioritised on this basis only where:

- Local enforcement activities make a substantial contribution to achievement of a policy aim
- A particular policy aim, and not a far broader related one, has been given clear priority by the national government (this might be apparent, for example, in statements on whole government focus areas or departmental top priorities).

The issue of co-ordination benefits

3.37 It was noted that the extent to which co-ordinated action offers benefits varies. In some policy areas, partnership information sharing or projects provide a better and more efficient service and working with neighbouring authorities or in regional partnerships is common. In other policy areas, activity is

best designed locally due to the benefits that can come from working with other local services, whether in the same authority or outside, and the widely different challenges facing neighbouring enforcement services.

- 3.38 This was not considered an appropriate issue to reflect in the selection criteria, as it does not reflect on risks and impacts.

Local considerations

- 3.39 For some policy areas, at-risk businesses or people were found to be concentrated in a quite small number of local authorities. Impact within these local authorities can be very significant and a very high degree of concern was reported from some of those affected.
- 3.40 The overall extent of critical risk does not merit all of these policy areas being recommended for national enforcement priority status. However, it is suggested that local authorities that are significantly affected in relation to these policy areas should consider making these local priorities for enforcement.

Chapter 4

Policy areas identified and results of initial sift

This chapter sets out the policy areas that were initially identified and describes the refinements made after consultation with local authorities and departments. This chapter also presents the results of the initial sift exercise. This led to the selection of 24 policy areas for which detailed evidence was gathered.

Identification of policy areas

- 4.1 The identification of policy areas allowed the Review to consider, for the first time, the range of legislation being enforced by local regulatory services, and the activity they carry out. The methodology is detailed in Chapter 3. The process highlighted a number of areas which local authorities have a legal responsibility to enforce, but which in practice do not feature as part of their day to day remit.
- 4.2 Table 4.1 therefore sets out the policy areas that are a duty of local authority regulatory services to enforce. This includes 61 policy areas, ranging from packaging requirements, to the enforcement of underage sales and associated anti social behaviour. The table defines the policy aim and identifies indicative legislation. The contents of the table is in no way definitive or comprehensive, it merely outlines examples of legislation related to policy aims.
- 4.3 Following consultation with the Expert User Group, Government Departments and NDPBs, policy areas were checked to ensure that the aim captured the local authority enforcement responsibility. The matrix, detailed in Appendix 2, reflects the initial policy areas, and Table 4.1 reflects the updated version following consultation.

Table 4.1 The list of updated policy areas

Category	Policy Area	Aim of Policy	Indicative Legislation
Animals & Agriculture	Animal and public health, animal movements and identification	Ensures animal feed does not include prohibited or harmful ingredients and is made hygienically. Provides for the control of animal disease (including those that can be transmitted to humans), and for the traceability of animals from farm to fork. Includes control on meat and products or animal origin at border inspection points.	Food Safety Act 1990, The Feeding Stuffs (England) Regulations 2005, The Feed (Hygiene and Enforcement) (England) Regulations 2005
	Grading/marketing agricultural produce	Ensure animal feed and fertiliser do not use prohibited ingredients, are made hygienically and are described accurately	Agriculture Act 1970
	Farmed animal welfare and licensing of premises for companion/other animals (welfare/breeding/safety)	Provides for the welfare of animals on farm, during transport and at market. Ensure that premises/events with animals (e.g. pet shops, dog shows) use suitable premises with appropriate safety controls	European Communities Act 1972, Animal Welfare Act 2006 (updates and consolidates much domestic legislation which has not yet been repealed)
Antisocial Behaviour	Underage sales and associated anti-social behaviour	Ensure cigarettes, alcohol, knives, fireworks, air guns and solvents (and other age restricted purchases including CDs/DVDs) are not sold to underage buyers and prevent other associated anti-social behaviour	Tobacco: The Children and Young Persons (Protection from Tobacco) Act 1991, Knives Act 1997, Offensive Weapons Act 1996, Crime and Disorder Act 1998, the Video Recordings Act 1984, Licensing Act 2003, Intoxicating Substances (Supply) Act 1985, Fireworks Safety Act 2003
	Removal of unauthorised campers	Removal of unauthorised campers on a highway, unoccupied land or occupied land without consent.	Criminal Justice and Public Order Act 1994
	Other anti-social behaviour (graffiti; local nuisance behaviour etc)	(Merged with Underage Sales to form Underage Sales and associated Antisocial Behaviour)	

Category	Policy Area	Aim of Policy	Indicative Legislation
Financial	Consumer credit (advertising, illegal money lending)	Ensures traders inform customers of their obligations and rights when taking credit, and advertise credit fairly	Consumer Credit Act 1974, Enterprise Act 2002
	Tenancy (advertising/payment offences)	Ensure protection of tenants and house owners over tenancy advertising and payment offences	Accommodation Agencies Act 1953
Environment	Air quality, including regulation of pollution from factories and homes	Local authorities are responsible for measuring the quality of air people breathe, for taking action with others where the quality is below approved standards, and for regulating pollution from some industry and from domestic premises.	Pollution Prevention and Control Act 1999, Air Quality Regulations 2000
	Air quality monitoring and local air quality plans	Promote good air quality - by monitoring air for pollution, doing annual plan of how air quality will be improved for central government	Environment Act 1995, Clean Air Act 1993
	Radiation monitoring	Monitor local environment for radiation	Radioactive Substances Act 1993 (as amended by the Environment Act 1995)
	Packaging requirements (relating to refuse)	To ensure against over packaging	The Packaging (Essential Requirements) Regulations 1998
	Noise nuisances; prevention and control	To deal with complaints of noise nuisance caused by domestic and industrial/ commercial premises	Environmental Protection Act 1990 (as amended by the Noise and Statutory Nuisance Act 1993 and the Clean Neighbourhoods and Environment Act 2005), The Noise Act 1996
	Statutory nuisance	To deal with local nuisance/complaints on rubbish/odour/fumes	Noise and Statutory Nuisance Act 1994

Category	Policy Area	Aim of Policy	Indicative Legislation
	Fly tipping	Merged with Nuisance as this is how it would be dealt with	
	Litter	Deter people from leaving litter, and require managers of land used by the public to remove litter	Environmental Protection Act, Public Health Act 1936, 1996, The Litter (Fixed Penalty Notices) Order 1991, 1996 and 2002, the Street Litter Control Notices Order 1991 (as amended 1997)
	Local environmental quality	To improve the quality of the local environment, by deterring litter, fly-tipping, fly-posting, graffiti and dog fouling; to require managers of land used by the public to remove litter and abandoned vehicles; and to enable local authorities to use enforcement powers to tackle poor environmental quality and associated anti-social behaviour	The Clean Neighbourhoods and Environment Act 2005, Refuse Disposal (Amenity) Act 1978, Control of Pollution (Amendment) Act 1989, Environmental Protection Act 1990, Dogs (Fouling of Land) Act 1996, Antisocial Behaviour Act 2003 and Clean Neighbourhoods and Environment Act 2005
	Contaminated land	The measures to deal with contaminated land help ensure that unacceptable risks to human health and the environment from harmful substances in, on or under land are identified and dealt with.	Environmental Protection Act 1990, The Contaminated Land (England) Regulations 2006
Fair trading	Fair trading (trade description/ trade marking/ mis-description/ doorstep selling)	Ensure traders describe goods/services accurately. Includes counterfeiting and rogue trading	Trade Descriptions Act 1968, Medicines Act 1968, Hallmarking Act 1973, Trade Marks Act 1994, Property Misdescriptions Act 1991, The Timeshare Act 1992, Enterprise Act 2002, Fair Trading Act 1973, Mock Auctions Act 1961, Estate Agency Act 1979
	Sunday trading hours	Ensure traders only open for a set number of hours on Sunday in line with law	Sunday Trading Act 1994
	Business names use and display (using prohibited business name)	Ensure traders provide consumers with full details of the owners of businesses	Business Names Act 1985
	Publication of car fuel consumption, approval markings on energy-consuming appliances	Ensure products display energy/fuel consumption information, to assist consumers to make informed choices	Energy Act 1976, Energy Conservation Act 1981

Category	Policy Area	Aim of Policy	Indicative Legislation
	Unfair contract terms & cancellation and call off periods	Ensure traders follow rules about making contracts fair and including details of cancellation and cooling off periods	Fair Trading Act 1973, Enterprise Act 2002
	Consumer transactions restrictions of statements (protection of statutory rights on customers)	Ensure consumer's statutory rights are not restricted	Fair Trading Act 1973, Consumer Transactions (Restrictions on Statements) Order 1976
Food safety	Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises	Ensure premises selling or making food follow hygiene regulations and that food within the premises is safe	Food Safety Act 1990
	Approval of food manufacturing premises	Check premises where food is to be made are safe and hygienic and issue certificate. Approval is sought before business is allowed to trade	Food Safety Act 1990
	Safety and wholesomeness of food stuffs	Ensure food is safe and of good quality and deal with contamination by foreign objects through sampling and analysis	Food Safety Act 1990, Food and Environment Protection Act 1985
Food Standards	Food standards (labelling)	Ensure food sold is properly labelled	Food Safety Act 1990
Health and safety in non-industrial workplaces	Improving health in the workplace	To reduce the incidence of ill-health and days lost arising from work activities in relation to musculo skeletal disorders, stress and chemicals, promote compliance with the law, and reduce the cost and suffering to individuals, companies and society	Health and Safety at Work Act 1974, Management of Health and Safety of Work Regulation 1999

Category	Policy Area	Aim of Policy	Indicative Legislation
	Work-related safety- preventing accidents from transport and machinery on site and within the delivery chain	To reduce the incidence of injury and days lost arising from workplace transport on site and within the delivery chain	Health and Safety at Work Act 1974, Management of Health and Safety of Work Regulation 1999
	Workplace safety- housekeeping, preventing slips, trips and falls	Reduce risk of employees or members of the public being involved in an accident on work premises due to slips and trips or falls.	Health and Safety at Work Act 1974
	Petroleum (storage/safety)	Ensure petroleum products are stored safely and dispensed safely	Petroleum (Consolidation) Act 1928
Licensing	Taxi licensing	Grant licences to operate taxi services to safe vehicles/individuals	Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847
	Licensing for animals (welfare/ breeding/safety) (subsequently changed - see Farmed animal welfare above)	Ensure that premises/events with animals (eg pet shops, dog shows) use suitable premises with appropriate safety controls	Animal Boarding Establishments Act 1963, Breeding of Dogs Act 1973, Breeding and Sale of Dogs (Welfare) Act 1999, Pet Animals Act 1951, Riding Establishments Act 1964, Dangerous wild Animals Act 1976
	Street trading licensing	Grant licences to street traders	The Local Government (Miscellaneous Provisions) Act 1982
	Alcohol, entertainment and late night refreshment licensing and its enforcement	Grant licences and certificates to premises, members' clubs and individuals selling and supplying alcohol and/or providing regulated entertainment and /or late night refreshment; and enforce related licensing offences and conditions attached to such licences and certificates.	Licensing Act 2003 Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982

Category	Policy Area	Aim of Policy	Indicative Legislation
	Business licensing	Grant licences to businesses	Licensing Act 2003, Local Government (Miscellaneous Provisions) Act 1982
Prices	Price marking	Ensure traders display prices for goods as required	Prices Act 1974
	Misleading prices	Ensure traders do not mislead consumers to the price of good, services or accommodation	The Consumer Protection Act 1987
Private Sector Housing Standards	Licensing of houses in multiple occupation (HMOs) for amenity standards and management	To maintain minimum standards in privately rented multiple occupied housing accommodation through licence conditions and management regulations	Housing Act 2004
	Management orders relating to houses in multiple occupation	Deal with poor condition of management	Housing Act 2004
	Operation of the Housing Health and Safety Rating System and its associated enforcement powers in private sector housing	To assess and deal with unhealthy and hazardous conditions in housing accommodation	Housing Act 2004
	Area renewal areas	Ensure that areas of poor housing are dealt with on a group basis	Housing Act 2004
	Selective licensing	Ensure that particular problems such as low demand are dealt with	Housing Act 2004
	Empty property	Bring empty property back into use	Housing Act 2004

Category	Policy Area	Aim of Policy	Indicative Legislation
Product Safety	Product Safety (subject to specific safety regulations i.e. Fireworks)	Ensure products placed on the market are safe	Explosives Act 1875, Fireworks Safety Act 2003, Consumer Protection Act 1987
	Product Safety (not subject to specific safety regulations)	Ensure products placed on the market are safe	Consumer Protection Act 1987, General Product Safety Regulations 2004
	Vehicle safety (sale of un-roadworthy vehicles)	Ensure vehicles sold are roadworthy	Road Traffic Act 1988 and 1991
	Public Protection (for example receiving malicious communications)	To protect against indecent, offensive or threatening letter or other form of electronic communication to another person.	Malicious Communications Act 1988
	Overloaded vehicles	Ensure vehicles used on the roads are loaded correctly	Road Traffic Acts 1988 and 1991
	Control over the sale of poisons	Control over the sale of poisons	Poisons Act 1972
	Public Health	Notification/ prevention of infectious diseases	To protect public health by detecting and preventing the spread of infectious diseases
Dogs – control over fouling of the land		Encourage dog-owners to clean up after their pets, by allowing councils to make it an offence not to do so in designated areas	Dog (Fouling of the Land Act) 1996
Maintenance/safety of sewerage and drainage		Ensure sewers and drains are adequate to prevent health risks	Public Health Act 1936
Sufficiency of water supply to new/existing homes		Ensure clean water is available to new/existing homes	Building Act 1984

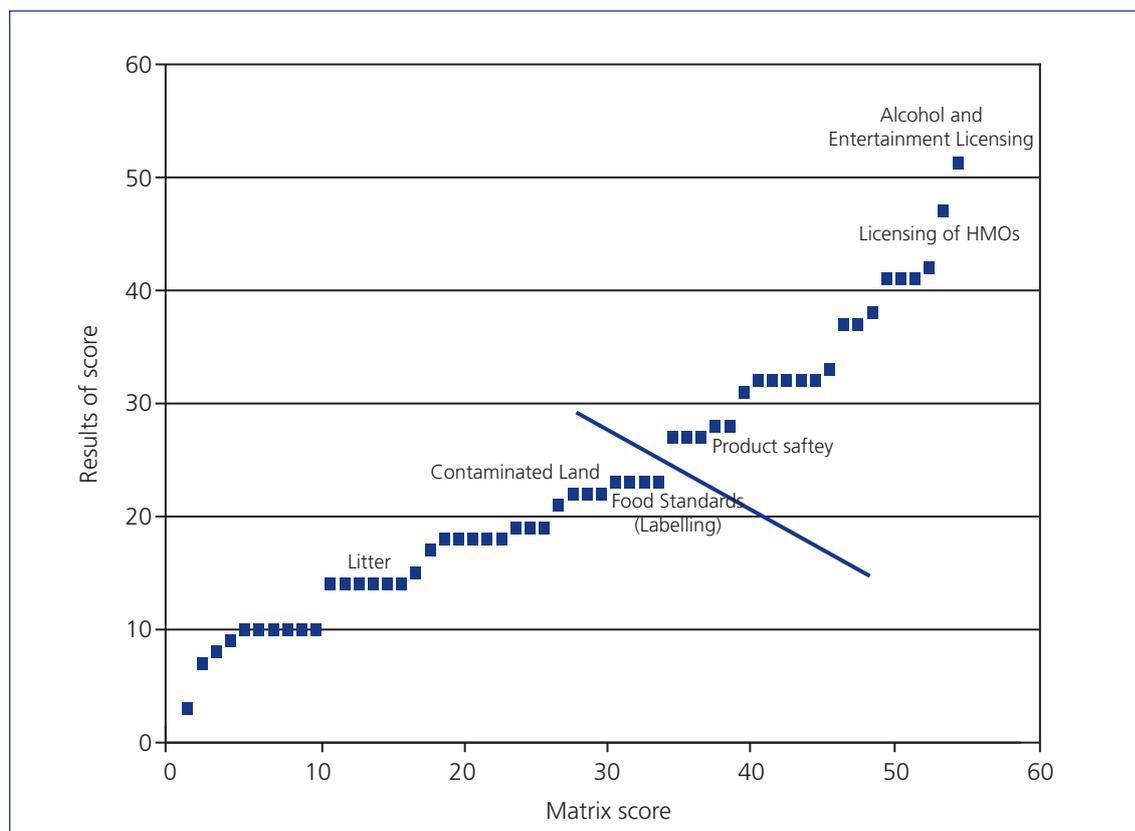
Category	Policy Area	Aim of Policy	Indicative Legislation
	Standards and availability of sanitary conveniences	Ensure enough flushing toilets are available in new/existing homes	Building Act 1984
	Seizure of stray dogs	Seizure of any stray dogs in public places	Environmental Protection Act 1990, Part VIII,
Weights & measures	Weights and measures (short measures/fraudulent use of equipment)	Ensure traders weighing machines and measuring instruments placed on the market are accurate and used properly and that goods sold are the correct quantity	Weights and Measures Act 1985
	Labelling of equipment	Ensure weighing machines and measuring equipment placed on the market is labelled correctly	Weights and Measures Act 1985

Note: This list is not conclusive or comprehensive and was developed for sifting purposes. It should not be relied upon as being definitive.

Results of the initial sift

- 4.4 Chapter 3 set out in detail the methodology for the initial sift, the objective of which was to reduce the 61 policy areas. This was a judgement-based exercise the purpose of which to produce a list of potentially high risks or public/political concern which could then be subject to more thorough analysis.
- 4.5 The scoring in the matrix, as described in Chapter 3, revealed the policy areas scored between 51 points and 3 points. The highest scoring policy area was Alcohol and entertainment licensing and the lowest scoring policy area was Radiation monitoring³⁶. A natural gap in the score of 23 points, indicating there were 21 policy areas with more substantial risk or concern, clearly demonstrated in Figure 4.1.

Figure 4.1 Results of Initial sift of policy areas

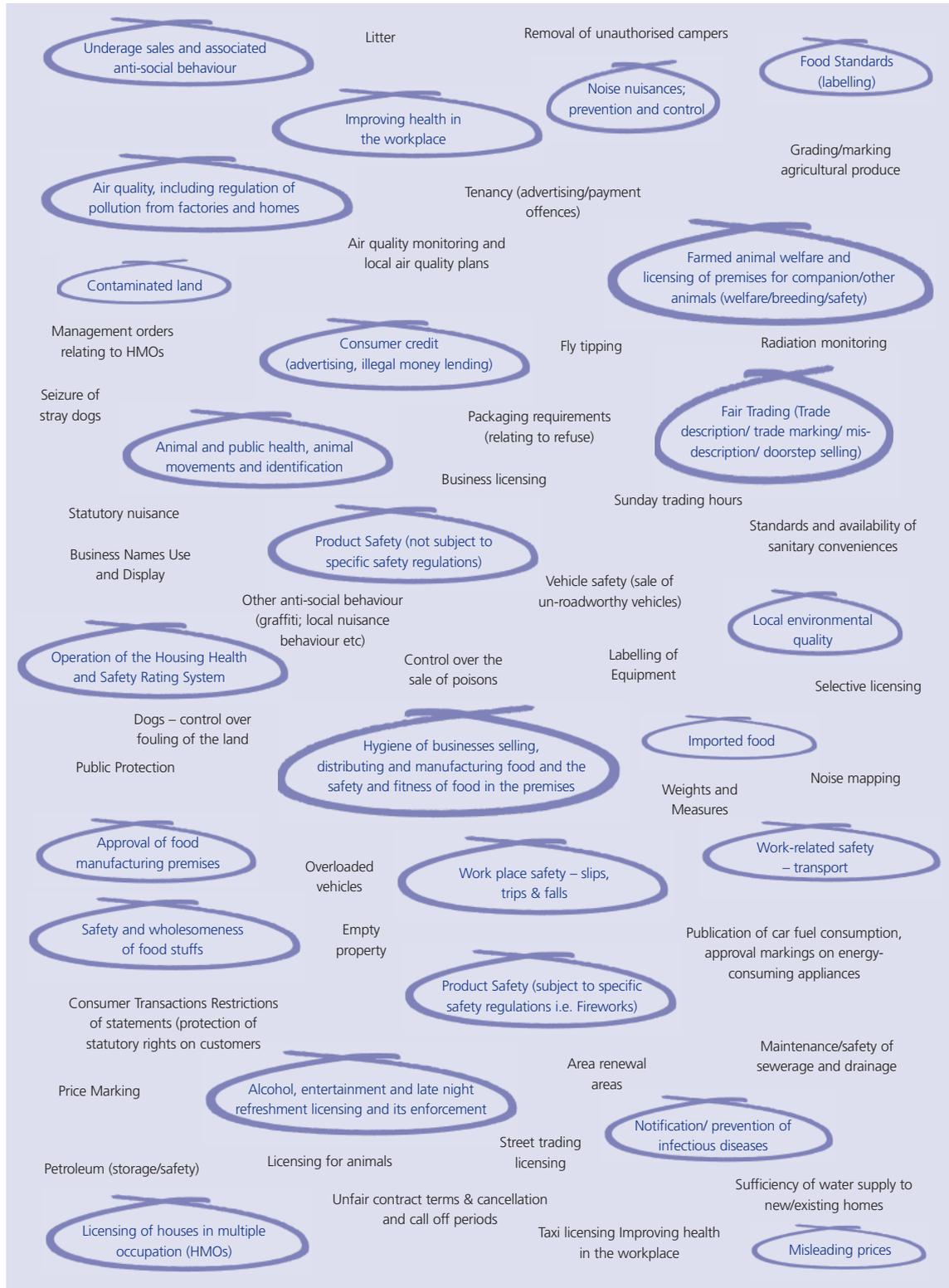


- 4.6 The results were shaped by the Expert User Group (detailed results of the matrix are in Appendix 2). The Expert User Group strongly felt that Contaminated land and Food standards (labelling) policy areas, both scoring outside of the initial cut off point, were areas of particular concern to enforcers. It was therefore agreed to add these to this list.
- 4.7 Furthermore, the previously individual, low scoring, environmental quality areas, such as fly tipping, litter and dog fouling, were combined to create Local environmental quality which were felt to be more synonymous with the enforcement of the Clean Neighbourhood and Environment Act 2005.
- 4.8 Therefore, the highest scoring policy areas from the matrix, with the additional three added policy areas following the input from local authorities and the professional groups, meant that 24 policy areas emerged from the sift.

³⁶ Radiation monitoring impacts a small number of local authorities, and the role they play is in alerting, as opposed to controlling the radiation. Other bodies have the main responsibility for monitoring radiation.

4.9 In spite of the short timescale there was broad consensus on the policy areas which emerged from the initial sift. Figure 4.2 shows the 24 policy areas from the initial sift.

Figure 4.2 The 24 policy areas which emerged from the initial sift



Chapter 5

Enforcement priorities

This chapter discusses the selection and justification of the national enforcement priorities. It highlights policy areas where local solutions are best used and explores the powerful contribution that local enforcement services can make to the strategic outcomes sought by local authorities.

- 5.1 The case for each of the remaining 24 policy areas is presented in the summary of evidence in Appendix 3, integrating the evidence from departments, local authorities, businesses and citizens. To be a national priority, the policy area had to meet one of three criteria shown below.

Criteria for national enforcement priorities

The policy area;

- Aims to prevent high levels of risk distributed through society, and local authorities controls are capable of being effective in doing so, and/or
- Requires a national control system where all parts of the enforcement regime are in place to prevent harm, and/or
- Is a nationally important political priority

- 5.2 The summary of evidence highlights the different quality and quantity of data that exists in each policy area. This point will be discussed later in this chapter as in some policy areas there appears to be lack of evidence in relation to the impact that enforcing legislation may have, and a lack of knowledge about the levels of activity currently undertaken by local authorities.
- 5.3 The evidence was of different natures; some was descriptive, some explanatory; many policy areas were supported by good qualitative data but there was limited quantitative data in certain areas. Despite this, identifying those policy areas that met the criteria for national enforcement priority was, for the most part, relatively straightforward.
- 5.4 The match of policy areas against the national enforcement priority selection criteria, local issues and levels of stakeholder support are summarised in Table 5.1.

Table 5.1 Summary of national enforcement priority criteria, local criteria and stakeholder views for each policy area

Policy area	National criteria			Local focus			Stakeholder views		
	High levels of risk distributed through society	Requires a national control system	Locally concentrated	Amenable to local solution	Public support	Business support	Local authority support		
Air quality, including regulation of pollution from factories and homes		✓	✓		✓		urban/mixed		
Alcohol and entertainment licensing	✓					✓	✓		
Animal and public health, animal movements and identification	✓	✓			✓	✓	rural		
Approval of food manufacturing premises				✓		✓			
Consumer credit (advertising, illegal money lending)				✓					
Contaminated land			✓						
Farmed animal welfare and licensing of premises for companion/other animals			✓						
Food standards (labelling)				✓	✓				
Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises	✓	✓			✓	✓	✓		
Imported food (excludes products of animal origin)		✓	✓			✓			
Improving health in the workplace	✓				✓	✓	✓		
Licensing of houses in multiple occupation (HMOs) for amenity standards and management			✓	✓					
Local environmental quality			✓	✓		✓	urban/mixed		
Misleading prices				✓					
Noise nuisances; prevention and control			✓	✓			urban/mixed		
Notification/ prevention of infectious diseases			✓						
Operation of the Housing Health and Safety Rating System and its associated enforcement powers in private sector housing			✓	✓			Some*		
Product safety (general and specific product areas)					✓				
Safety and wholesomeness of food stuffs					✓	✓	✓		
Trade description/ trade marking/ misdescription/ doorstep selling (fair trading)	✓					✓	✓		
Underage sales and associated anti-social behaviour				✓		✓	✓		
Work-related safety- preventing accidents from transport and machinery					✓	✓	✓		
Workplace safety- housekeeping, preventing slips, trips and falls					✓	✓	✓		

* Notably high support in some local authorities

The national enforcement priorities

- 5.5 The five enforcement priorities for Trading Standards and Environmental Health services in England are:
- Air quality, including regulation of pollution from factories and homes
 - Alcohol, entertainment and late night 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)
- 5.6 Protecting animal health is of national importance, but applies mainly (though not solely) to rural areas and border inspection points. The responsibility for the enforcement of this area is being reviewed at the moment. Whilst responsibility still lies with local government, the Government should specify to local authorities:
- Animal and public health, animal movements and identification is a further national enforcement priority.
- 5.7 The roles and responsibilities of local authorities and other bodies involved in regulatory and enforcement activities for animal health and welfare have been subject to a review by David Eves CB. He made a number of recommendations about the future role of local authorities. The Government intends to consult on this. As a consequence, the status of animal health as a national priority for local authorities should be kept under review.

The cases for these priorities

Summaries of the following cases are in Appendix 3 and the full departmental cases are in the supplementary volume, part 4.

Air quality, including regulation of pollution from factories and homes

- 5.8 Local authorities have enforcement powers in relation to air pollution that support those of the government, the Environment Agency, and of other local authority planning activities such as land use and transport planning. Local authorities have to review and assess ambient levels of air quality in their areas; to designate local air quality management areas (AQMAS) where there are issues around national air quality objectives and take action to work towards meeting those objectives. Around 200 authorities have designated AQMAS mainly in urban areas and along busy roads and in some industrial areas. They also have the full range of regulatory enforcement power in controlling the air pollution emissions of 16,000 specified industrial premises, and smoke from industrial and domestic premises.
- 5.9 These processes all contribute to the quality of the air breathed in local areas, with implications for local public health (including 24,000 hospital admissions and GP appointments, and between 12,000 and 24,000 premature deaths each year – those with, asthma, lung diseases and heart conditions being most susceptible), as well as damage to buildings and to local ecology³⁷. Persistent offensive smells can be particularly distressing to local people and impede their freedom, such as being in the open air. Smoke and dust emissions also damage local physical amenity. Scientific evidence also suggests that exposure to air pollution has a long-term effect on health.
- 5.10 Defra's evidence shows that one type of pollutant, particulates, reduces average life expectancy across the whole of the UK by up to 8 months. It is difficult to evaluate the impact that local controls on lower impact emitters (those controlled by local authorities) has on national pollution levels. The health impacts from particulate pollution alone in 2005 is estimated at £9.1 - £21.4 billion per annum.³⁸ The majority of air pollution comes from road transport, not stationary sources, such as many lower impact sources controlled by local authorities.
- 5.11 Although the impact of enforcement of air pollution legislation at a local level may be difficult to quantify, it is clear that the planning functions of local authorities (both in land use planning and transport planning) can make a major impact in controlling and reducing air pollution. Local authorities and citizens saw this as an important issue and one of national concern.

³⁷ Defra, 2006, Draft revised UK Air Quality Strategy, Defra London

³⁸ Defra, 2006, Draft revised UK Air Quality Strategy, Defra London

- 5.12 Air quality is a high national political priority, and many of the actions to improve air quality will also contribute to tackling climate change.
- Air pollution damages health, quality of life and shortens life expectancy, and damages ecosystems
 - £9.1 - £21 billion costs per annum due to particulate impact in 2005 (but this cannot be tackled by LA action alone)
 - Extent of harm of air pollution as a whole is significant (and although local authorities are important delivery agents, their exact contribution is not quantified)
 - The issue is geographically spread though concentrated in urban and industrial areas and around roads
 - Local action contributes to national outcomes, as air pollution ignores local boundaries
 - An important issue for citizens, and for local authorities
 - Hugely politically important
- 5.13 Air quality should be a national enforcement priority because impact and the need to emphasise the role that local authorities can play in reducing its impacts, and its trans-boundary nature means that concerted local actions contribute to national outcomes.

Alcohol, entertainment and late night refreshment licensing and its enforcement

- 5.14 Approximately 230,000 businesses hold premises licences, and about 300,000 individuals hold personal licences to sell alcohol. The use of alcohol is related to 1.2 million violent incidents (around half of all violent crimes) and 360,000 incidents of domestic violence (around a third). According to the British Crime Survey almost half of all violence is alcohol-related. 1 in 5 violent incidents were found to occur in or around public houses³⁹. Alcohol sales impact hugely on local authorities – for instance community safety and the fear of crime, 61 per cent of the population perceive alcohol-related violence as worsening⁴⁰ and a quarter of the population consider drunk or rowdy behaviour a very or fairly big problem in their local area⁴¹. The Alcohol Harm Reduction Strategy estimated that the cost of alcohol harm to the economy is up to £20 billion, including £7.3 billion in terms of crime and disorder; £1.7 billion to health; and £6.4 billion to the workplace (for example, up to 17 million working days are lost each year through alcohol related absence)⁴². Up to 35 per cent of all accident and emergency attendance and ambulance costs (£ 0.5 billion) are estimated to be alcohol-related⁴³ and up to 22,000 premature deaths per year are related to alcohol consumption.⁴⁴
- 5.15 Enforcement of the Licensing Act 2003 is a vital tool in the armoury for controlling the damage caused by alcohol misuse. Local authorities work closely with the police to improve compliance with conditions and ultimately to ensure that licences are removed from poorly run establishments (for instance where alcohol is sold to children or where alcohol is sold to those who are already intoxicated). In the local authority survey (Supplementary volume, part 2) 81 per cent of authorities who are responsible for alcohol, entertainment and late night refreshment licensing thought they were effective or fairly effective at enforcing this legislation. 53 per cent of authorities devoted either high or medium (i.e. above 10 per cent) of their resources to this.
- 1 in 5 violent incidents were found to occur in or around public houses
 - up to 22,000 premature deaths per year are related to alcohol consumption
 - 17 million working days lost through alcohol related absence
 - Circa £0.5 billion in NHS A&E attendance and ambulance costs (up to 35 per cent of total costs) are alcohol related
 - 61 per cent of the population perceive alcohol-related violence as worsening
 - A quarter of the population consider drunk or rowdy behaviour a very or fairly big problem in their local area

³⁹ Home Office, 2004, British Crime Survey 2003/04, Home Office, London

⁴⁰ Prime Ministers Strategy Unit, 2004, Alcohol Harm Reduction Strategy for England, Strategy Unit, London

⁴¹ Home Office, 2000, British Crime Survey 1998/2000, Home Office, London

⁴² Prime Ministers Strategy Unit, 2004, Alcohol Harm Reduction Strategy for England, Strategy Unit, London

⁴³ Prime Minister Strategy Unit, 2003, Alcohol Harm reduction Strategy Interim Analytical Report, Strategy Unit, London

⁴⁴ Prime Minister Strategy Unit, 2004, Alcohol Harm reduction Strategy for England, Strategy Unit, London

- 5.16 The harms and risks that the Licensing Act 2003 aims to prevent are extremely high, and are distributed throughout society. The costs of society of alcohol misuse are high, and the related anti-social behaviour and violence are seen throughout the UK, affecting all parts of society. This means that the effective enforcement of the alcohol, entertainment and late night refreshment licensing is a national enforcement priority.

Hygiene of businesses, selling, distributing and manufacturing food and the safety and fitness of food in the premises

- 5.17 Poor hygiene in food businesses causes food poisoning and food borne disease. 535,500 cases of food borne diseases in 2005 could be anticipated as arising from food business operations⁴⁵. These caused 329 deaths and 12,133 hospitalisations in 2005⁴⁶. A single large outbreak of disease causes problems far beyond the devastating effects it has on individuals affected by disease. For instance the E coli O157 outbreak in central Scotland in 1996 resulted in 18 deaths and had a devastating impact on this community⁴⁷. Similarly, the E coli O157 outbreak in South Wales in September 2005 led to the death of one school child and the hospitalisation of a number of others. These outbreaks cause damage to confidence in the whole food production system. The Food Standards Agency estimates that food borne illness due to cases arising from food businesses costs around £900 million damage per year (including costs to the health care system including pain, grief and suffering and damage to business).⁴⁸
- 5.18 The local authority survey revealed a strong belief that activity around Hygiene of food businesses is effective. 64 per cent of respondents in the local authority survey stated that enforcement of this area was 'very effective', and 99 per cent described it as effective. No authority felt activity here was ineffective in delivering significant benefits to society.
- 5.19 Businesses and citizens considered that this policy area was a priority to ensure food safety and local authorities themselves considered this to be the top priority.
- 329 deaths can be anticipated as arising from food business operations in 2005 (almost 1 death per day)
 - 535,500 cases of food borne diseases (1,467 per day)
 - Over 12,000 hospitalisations (33 per day)
 - £900 million total costs to the economy (including costs to the health care system)
 - Both businesses and citizens considered that this policy area was a priority to ensure food safety and local authorities themselves considered this to be a top priority
- 5.20 Food hygiene is a national enforcement priority because of the high impact in terms of numbers of deaths caused by food businesses and costs to the economy. These deaths are distributed throughout society, affecting the vulnerable in particular, and due to the high levels of risk, this area is a national enforcement priority.

Improving health in the workplace

- 5.21 Work related disease and ill-health is increasingly recognised as causing huge damage to workers who experience ill-health and associated pain and distress, and experience economic loss due to lost earnings and extra costs associated with illness and absence from work. Damage is also done to the economy, where absenteeism impacts on productivity. Society faces costs of health care provision and, in the case of people who become unable to work, benefits. In the local authority sector, there are 147,000 new cases per year where people experience illness they believe was caused or made worse by work⁴⁹. Overall, around 560,000 cases occur per year of people experiencing illness they believe

⁴⁵ CDR Review, Communicable Disease Report, July 1995, CDR Review, Communicable Disease Review, March 1996, Intestinal Disease in England, 2000, HMSO

⁴⁶ *ibid*

⁴⁷ Pennington H, 1998, Report on the circumstances leading to the 1996 outbreak of infection with E.coli O157 in Central Scotland, the implications for food safety and the lessons to be learned, The Scottish Office, Edinburgh

⁴⁸ CDR Review, Communicable Disease Report, July 1995, CDR Review, Communicable Disease Review, March 1996, Intestinal Disease in England, 2000, HMSO

⁴⁹ Health and Safety Executive, 2007, evidence submitted to Rogers Review

was caused or made worse by work in the local authority enforced sector⁵⁰. The cost to employers of ill-health was £360 - £610 million in the LA enforced sectors in 2001/02 for that one year⁵¹. Costs to society as a whole, including individual's costs from lost earnings, distress, health care and incapacity benefits cannot be precisely calculated but will be many times higher; an approximate calculation by Review team is £3 - £7 billion⁵².

5.22 In these areas, local authorities act as an enforcement partner of the HSE. They enforce health and safety law in the service sectors – they inspect premises, carry out prevention campaigns and contribute to the delivery of Fit 3 (the HSE's strategic plan to improve health and safety). 80 per cent of authorities surveyed believe that enforcement in relation to Improving health in the workplace is effective (31 per cent 'very effective').

5.23 This area was identified as a top priority for businesses, citizens and local authorities.

- **560,000 workers per year experience an illness or ill-health condition caused or made worse by their work in local authority-enforced sectors (4 per cent of workers)**
- **147,000 people per year start an episode of work-related illness or ill-health in local authority-enforced sectors (410 people per day)**
- **£360 - £610 million costs to employers of ill-health in the local authority- enforced sectors in 2001/02**
- **Costs to the economy of several billion pounds each year**

5.24 Improving health in the workplace is a national enforcement priority due to the high risks posed to individuals, their families, business and the costs to the economy.

Fair trading (Trade description/ trade marking/ mis-description/doorstep selling)

5.25 The impact of this policy area is primarily economic, although there is much evidence, for example in the case of rogue doorstep sellers and scams, of consumers encountering stress and anxiety. 45 per cent of customers encountering a problem with a trader had a severe emotional reaction, feeling very angry, worried or stressed by the experience⁵³. There are 12 million complaints of unfair selling techniques, misleading claims and misinformation per year⁵⁴. The overall level of consumer detriment is estimated at £8.3 billion in the UK⁵⁵. £4 billion per year on car repairs based on the indication that work contracted for was not completed. Rogue traders who sell from door to door have a particularly serious impact on vulnerable groups in the community – an estimated 15,000 reported cases of rogue traders being paid £30 million per year for inadequate goods and services. Most victims are over 71 years, and there is a link to distraction burglary⁵⁶. Half of the UK adult population had been targeted by a scam, and every year one in 15 people (3.2 million adults) fall victim. The average amount lost per scam was £850. Victims over 65 years of age are likely to lose twice as much per scam as younger victims⁵⁷. Intellectual property crime in the UK is now worth £1.3 billion with £900 million of this flowing towards organised crime⁵⁸.

5.26 Much work in this area is being co-ordinated on a regional basis through the Scambuster pilots. Pilot regional teams are also increasing the use of intelligence led enforcement and improving the effectiveness of enforcement against moving rogue traders.

⁵⁰ Health and Safety Executive, 2007, evidence submitted to Rogers Review

⁵¹ Health and Safety Executive, 2007, evidence submitted to Rogers Review, calculated using method outlined in Health and Safety Executive, 2004, Interim update of the "Costs to Britain of Workplace Accidents and Work-Related Ill Health [internet] <http://www.hse.gov.uk/statistics/pdf/costs.pdf> cited February 2007

⁵² Calculation by Review team, assumes ratio of employer costs to society costs is the same in LA enforced sectors as across whole economy, taking these ratios from HSE publication, [internet] <http://www.hse.gov.uk/statistics/pdf/costs.pdf>. cited February 2007

⁵³ Office of Fair Trading, 2000, Consumer Detriment report, oft296, OFT, London [internet] cited March 2007 http://www.offt.gov.uk/shared_offt/reports/consumer_protection/oft296.pdf

⁵⁴ Consumer Direct Complaints database, [internet] <http://www.consumerdirect.gov.uk/media.shtml>, cited March 2007

⁵⁵ Office of Fair Trading, 2000, Consumer Detriment report, oft296, OFT, London [internet] cited March 2007 http://www.offt.gov.uk/shared_offt/reports/consumer_protection/oft296.pdf

⁵⁶ Office for Fair Trading, 2004, Doorstep Selling, A Report on the Market Study, oft716, OFT, London

⁵⁷ Office of Fair Trading, 2006, Research on impact of mass marketed scams, A summary into the impact of scams on UK consumers, oft883, OFT, London

⁵⁸ HM Treasury, 2006, Gowers Review of Intellectual Property, HM Treasury, London

5.27 Interestingly citizens in the discussion groups did not choose this area as a national priority, because they felt they had control over these issues, but businesses choose the area as a priority because it deals with rogue traders and counterfeiters. Repeating this exercise with particularly elderly or vulnerable people may have produced a different result. Local authorities responsible identified the area as a priority.

- Estimated £8 billion harm to consumers per year
- £3.2 billion lost to scams per year, 3.5 million victims per year
- £30 million lost to rogue doorstep sellers who target the elderly, and which causes severe distress as well
- £1.3 million costs due to theft of intellectual property per year
- Businesses saw this as a priority

5.28 Fair trading is a national enforcement priority because of the huge economic damage caused by rogue trading and mis-selling and the impact on individuals, particularly the vulnerable and elderly.

The case for a further enforcement priority

5.29 The case for animal and public health, animal movements and identification is very strong in terms of the high levels of damage and risk imposed by the area and the need for a national system of control. However the problem is concentrated in certain areas of the country and will not apply to all local authorities. Rather than being a local priority, there is a strong case for a national priority due to the high levels of potential damage and the need for effective co-ordination of control. The roles and responsibilities for the regulation and enforcement of this area have been subject to a Review upon which government will be consulting. Whilst responsibility still lies with local government a further enforcement priority should be:

Animal and public health, animal movements and identification

5.30 The impacts of animal disease outbreaks are devastating to communities, the economy (both local and national), and have the potential to severely impact human health. BSE and foot and mouth disease are the two most severe examples in the last two decades, but legislation and enforcement around this area aims to protect communities against rabies, and other diseases. Concerns of avian influenza crossing the species barrier is a current example of the importance of the enforcement of law in this area. In terms of impact, the report on foot and mouth disease stated that "In many areas affected, the social structure and sense of community were severely damaged."⁵⁹ Animal health can affect the agricultural economy, and other sectors such as food production and tourism. Consumer confidence in the safety of food can be damaged, impacting severely on the market. BSE resulted in a ban of beef exports for over 10 years (costing £600 million a year), the disposal of 8.5 million cattle aged over 30 months (costing £3.9 billion) and damage to local communities and social networks, and to markets and economies⁶⁰. The Foot and Mouth Disease outbreak cost £8 billion to society alone⁶¹.

5.31 Local authorities play an important part in the system for the protection from animal health outbreaks including the controls on the importation of meat and animal products, risk-based inspections of farming premises, recording movements of the main livestock species other than cattle, responding to an outbreak of animal disease, and regulating feedstuffs. For this system to be effective, all parts of the control system have to be implemented and enforced by local authorities. Gaps in the enforcement system can mean that the whole control system breaks down. The Eves Review of the Animal Health and Welfare Delivery Landscape⁶² found that the animal health and delivery landscape is too complex and fragmented, and stated that "*It is intended to work within an agreed national strategy for achieving defined policy outcomes, but is not capable in its present form of being managed as an entity, nor is it delivering consistent results efficiently or effectively.*"

⁵⁹ Foot and Mouth Disease: Lessons to be Learned Inquiry Report, HC888, TSO, London

⁶⁰ Caskie P.; Davis J.; Moss J. E., 1999, The economic impact of BSE: a regional perspective Applied Economics, 31-12-1623-1630(8)

⁶¹ National Audit Office, 2002, The 2001 Outbreak of Foot and Mouth Disease, National Audit Office, London

⁶² Eves D., 2006, Review of the Animal Health and Welfare Delivery Landscape, Defra, London

All the stakeholder groups identified this area as a priority.

- Extent of harm is severe, not only in risk but in actual cases in last decade
- £8 billion costs due to the Foot and mouth outbreak
- Over 0.1 per cent of UK GDP total resource costs to the economy due to the BSE crisis
- Circa £1.5 billion total public expenditure costs in the first year for industry compensation payments
- £3.9 billion costs due to the disposal of 8.5 million cattle aged over 30 months
- £600 million costs per year due to the BSE crisis as a result of a ban of beef for over 10 years
- Damage to local communities and social networks
- Requires local authorities to carry out co-ordinated action to be effective
- Existing delivery is fragmented undermining the control system

5.32 Animal health is a national enforcement priority because of the potentially huge impact that outbreaks have on both the local and the national economy, and that to be protective the enforcement system has to be complete and co-ordinated.

Policy areas not adequately supported by evidence

5.33 The Review's methodology meant that a lack of evidence for a case that in the initial sift had been highly scored led to it not being in consideration for a national priority in the final stage. A lack of hard evidence was a common feature of departmental (and other) cases.

Operation of the housing health and safety rating system (HHSRS) and its associated enforcement powers in private-sector housing

5.34 The original sift, carried out using publicly available evidence, identified two areas of housing as potential priorities, particularly due to political salience.⁶³ CLG however found it difficult to supply evidence on the extent of the problem, and nature of those affected. The legislation concerned has only been operational since April 2006.

5.35 The Housing Health and Rating Scheme (HHSRS) is a fundamental change of approach to housing standards and replaced a well understood concept of housing fitness. It appeared from discussions with Heads of Regulatory Services in the local authority events that little enforcement activity was occurring. However it was hard to establish whether that reflected a huge change in approach that is yet to bed in, or some issue about their ability to be effective given the complexity of the law. This may be an area where further work should be undertaken given the number of people potentially affected.

5.36 Housing conditions do impact hugely on people's lives and well-being. In 2005, 11 per cent of housing stock was in the private-rented sector⁶⁴. Housing containing hazards can harm people's health, from relatively minor illness and injuries to fatalities. Peoples' health can be affected in a range of ways depending on the sort of hazard encountered and the HHSRS is broken into 29 hazards including damp, food hygiene and fire risk. The departmental case points to evidence from the English Housing Conditions Survey of over 1.6 million households (of all tenures) having a significant hazard present which is over the threshold for mandatory local authority action. Between 100,000 and 200,000 households⁶⁵ in the privately rented sector therefore may contain significant hazards. It is likely that a considerable amount of harm occurs due to housing so hazardous that action would be required under HHSRS, but there is no specific data available other than the risk tables in the operating guidance.

⁶³ Local Government Association, 2006, Shared priorities, LGA, London

⁶⁴ National Statistics (2006), Census 2001 data, crown copyright extracted from NOMIS system, [internet] www.nomisweb.co.uk, cited February 2007

⁶⁵ Review team estimate, based on percent of private sector households and overall harm figure.

- 5.37 As the operation of the HHSRS can be dealt with at a local authority level, the harm does not spill-over to neighbouring authorities, and it is amenable to local solutions. To be a national enforcement priority serious high risk would have to be shown to be distributed throughout society. On the basis of the evidence presented, a case has not been made at this time. However at the next refresh of priorities it is hoped that evidence from the enforcement of the regime will allow this area to be reconsidered for national enforcement priority status.

Policy areas that raise other enforcement issues

Imported food

- 5.38 The scope of this policy area was reduced during discussions with the Food Standards Agency and Defra (the process of refining policy areas is discussed in Chapter 3):
- The FSA requested that the Hygiene part of food control be included in the policy area of Hygiene of food businesses as it contributed to this system of control and
 - Defra requested that the border controls for meat and food of animal origin be included in the Animal health policy area as they contributed to this system of control.

The policy area was therefore restricted to the importation of foods of non-animal origin and the extent of the harm in relation to these products is unclear. In 2004/05, 19 per cent of the 4,806 samples taken failed, mainly due to failures on labelling in relation to chemical components of products (71 per cent of all failures).

- 5.39 The local authority survey found just over half of authorities, 58 per cent, feel enforcement in relation to Imported food policy area is effective in delivering significant benefits to society. A high proportion, 31 per cent, were non-committal feeling it to be 'neither effective, nor ineffective' – perhaps reflecting the uneven distribution of demand in the area. 12 per cent called it ineffective. Although imported food controls are an issue for all local authorities, they can check products for sale in premises in their areas, the high numbers of authorities stating that the measures are not effective is a reflection of the fact that activity within a local authority area is 'looking for a needle in a haystack'.
- 5.40 Businesses identified this area as a priority but stated that the controls are best achieved at ports of entry.

The Port Health Authorities

- 5.41 It is clear that Port Health Authorities play a vital role in delivering two of the recommended national enforcement priorities (Hygiene of Food Business and Animal Health) and in securing Imported Food controls. The activities of 80 Port Health Authorities deliver national regulatory outcomes. However the funding of Port Health Authorities is unusual. When constituted many Port Health Authorities were formed to serve a group of local authorities along a river and they are funded by levies raised from these authorities. Some border controls are re-charged to importers, but many of the functions are funded locally. These authorities are vital in ensuring safety in the food chain and securing animal health objectives, and the benefits of enforcement are national rather than bringing any specific local benefit. As this is strictly outside our scope the Review cannot make specific recommendations on this, nonetheless it is clear that this situation merits further consideration.

Potential local enforcement priorities

- 5.42 This Review has identified six national enforcement priorities. This does not mean that Government does not support enforcement in other areas or that local authorities can ignore their wider enforcement responsibilities or legal obligations. Rather it recognises that local authorities are best placed to understand and respond to many issues that affect the well-being of their communities and the quality of life of their citizens.

- 5.43 This Review has collated a substantial body of evidence around each of the short-listed policy areas. Whilst many of these policy areas do not satisfy the criteria for a national enforcement priority, local enforcement could make a huge contribution to the quality of life of citizens and communities in local authorities experiencing problems relating to those areas.
- 5.44 These 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.
- 5.45 To make this discussion more meaningful for local authority enforcement services, it is clustered around the existing Local Area Agreement (LAA) blocks. By doing this, it is hoped that the evidence linking enforcement to outcomes, so vital in ensuring political recognition at a local level, can be provided in meaningful ways.

Local Area Agreement Theme: Safer and stronger communities

- 5.46 Many of the enforcement areas could contribute to safer and stronger communities. Those providing most benefit will vary depending upon local circumstances of course, and choice of local priority is a decision for local authorities. However the evidence and analysis presented here makes a strong case for the following to be considered as relevant for local selection.

Local environmental quality

- 5.47 Local environmental quality is a significant issue for citizens, local authorities (mainly urban areas) and for businesses. Graffiti, dog fouling, litter and fly-tipping all contribute to a general perception of neglect and blight locally that damages community perceptions of their neighbourhood. The local authority survey revealed this policy area to be a significant local priority for many single-tier and district authorities. 16 per cent of single-tier authorities voted it as their number one priority, and 22 per cent of all districts surveyed voted it as their number one local priority. When ranked against other policy areas local environmental quality was in the top 5 local priorities for single-tier authorities, and top 3 in district councils.
- 5.48 At a local level, there is clearly a strong case for this policy to be a priority in areas with problems. Out of all the single-tier authorities who rated it in their top ten, 97.5 per cent were in urban or mixed urban areas, only 2.5 per cent were rural. The problem is geographically spread across England, with urban areas being most affected, and is best solved by local solutions devised to tackle the causes of problems in specific local authority areas. Enforcement is only a part of the measures to tackle the problem, and issues of street cleaning, graffiti and litter are all priorities for local authorities in the provision of general local services. There are questions on effectiveness of enforcement in tackling this problem but this issue is a strong candidate for inclusion in Local Area Agreements where problems exist.

Local Area Agreement Theme: Children and young people

- 5.49 Local regulatory services aims to protect the whole community, but in one significant policy area a strong case can be made for the enforcement protecting the young.

Underage sales

- 5.50 The underage sales of alcohol are included in the national enforcement priority of Alcohol licensing, but other underage sales are likely to be a strong local priority where authorities identify a problem in their area. The problem of underage smoking is important with 9 per cent of young people aged 11 to 15 smoking. 17 per cent of children try to buy cigarettes from shops, mostly small corner shops or newsagents and only 23 per cent found that it was difficult to do so⁶⁶. Local authorities work with

⁶⁶ Fuller, E, 2004, Smoking, Drinking and Drug Use Among Young People in England, HSC Information Centre, London

Primary Care Trusts (PCTs) in delivering local objectives and clearly if a local authority identifies the underage sale of age restricted goods this will impact both the young children the legislation tries to protect, as on impacts on local communities. Children who smoke are also susceptible to more immediate health risks, those who smoke regularly are two to six times more susceptible to coughs, wheezing, shortness of breath and asthma. Underage sales of butane cigarette lighter refills were associated with 8 out of the 13 volatile substance abuse deaths in under 18 year olds in 2004. Under age sales are a strong candidate for local enforcement priority, and will contribute strongly to this LAA block in partnership working with local PCTs and the Police.

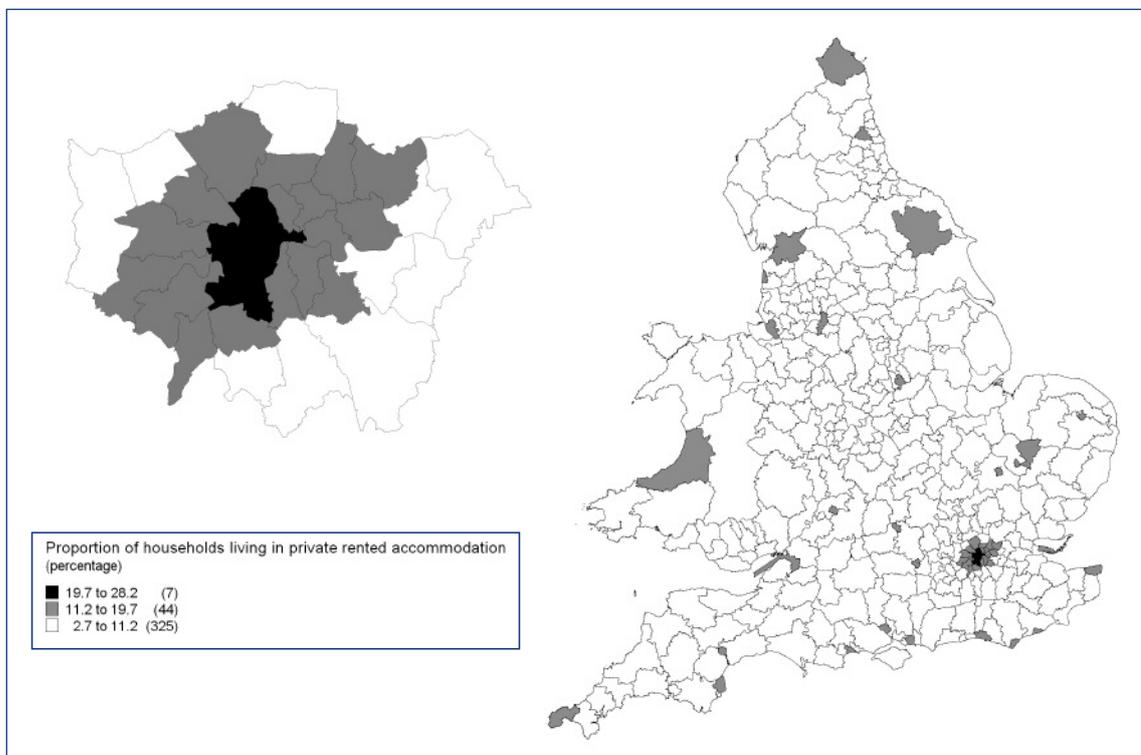
Local Area Agreement Theme: Healthier communities and older people

5.51 Many types of enforcement activity support health and well-being outcomes related to the theme of 'healthier communities and older people'.

Operation of the housing health and safety rating system (HHSRS) and its associated enforcement powers in private rented housing

5.52 Although the evidence in relation to the impact of the HHSRS is limited at this time, standards in private rented housing will be very important in certain parts of the country. The spread of private rented housing is shown in Figure 5.1, highlights the concentrations of private rented housing in certain urban areas. The proportion of the population living in the private-sector rented tenure differs substantially across England – from 31 per cent to 3 per cent across lower and single-tier local authorities⁶⁷. There are notable concentrations in London and some university and seaside towns. In these areas, standards in private rented housing are going to be particularly important.

Figure 5.1 Distribution of private rented housing in England and Wales



⁶⁷ National Statistics, 2006, Census 2001 data, crown copyright extracted from NOMIS system [internet] www.nomisweb.co.uk cited February 2007

- 5.53 42 per cent of all district authorities voted this policy area as one of their five local priorities, and compared to other policy areas it ranked as an area of considerable but not very highest overall concern. 10 per cent of all the district councils voted this as their number one priority, demonstrating that for certain districts this policy area is very significant.
- 5.54 As part of an LAA, in certain parts of the country with large problems with private rented housing, this area is likely to be a local enforcement priority. However, a number of comments were made about the complexity of the legislation which made it more difficult to achieve satisfactory enforcement outcomes.

Licensing of houses in multiple occupation (HMOs) for amenity standards and management

- 5.55 Living in HMOs can damage the health and welfare of their occupants – poor management standards can lead to a higher risk of death or injury due to fire, overcrowding, inadequate/ unsuitable amenities, and unsanitary conditions. Badly managed HMOs can have adverse impacts on their surrounding neighbourhood. High risk HMOs often house the vulnerable such as the elderly and immigrant populations. HMOs tend concentrated in urban areas and university towns. 39 per cent of local authorities reported significant problems with property conditions in HMOs and 32 per cent with management. The local authority survey revealed that 40 per cent of unitary councils and 18 per cent of district authorities chose licensing of houses in multiple occupation as a local priority. This puts it in bottom quartile for district councils, indicating the problem is concentrated in more urban areas.
- 5.56 In areas with significant numbers of HMOs, there is a strong case for this policy area to be a local priority.

Local Area Agreement Theme: Economic development and environment

- 5.57 Local enforcement activity can support ‘economic development and environment’ outcomes. In relation to economic development, Trading Standards Professionals play an important role in maintaining a fair trading environment, a level playing field that benefits all good businesses. The way they operate is as important as the policy areas they cover in supporting the outcome of economic development. A number of the short-listed policy areas have strong cases for consideration as local priorities where problems exist.

Consumer credit

- 5.58 Illegal money lending, where this problem exists, is likely to be an important local issue. It is concentrated in low income households and in the most deprived areas. DTI provide specific funding to local authorities to tackle this area. Although there is a low incidence of illegal lending compared to other European countries, approximately 165,000 households in the UK are estimated to use illegal money lenders. Illegal lending is estimated to affect 3 per cent of low income households and 6 per cent of households in the most deprived areas. Half of the households that use illegal money lenders are in the poorest parts of the country, often concentrated in the most deprived urban housing estates. According to the DTI⁶⁸ concentrations of illegal lending occur in such small geographical areas that they need to be examined at very local levels. Concentrations of deprivation and, where it applies, credit exclusion and the high probability of illegal lending occur particularly in a number of England’s largest cities and in these areas, consumer credit is likely to be a significant local priority.

Imported food

- 5.59 This policy area now excludes products of animal origin and hygiene, but for certain authorities acting as a border inspection points (some Port Health Authorities for instance) this area will be very important locally. The port activity will be hugely important locally, generating jobs and revenue and contributing significantly to the local economy. The regulation of imported foods is likely to be an important local function in ports.

⁶⁸ DTI, 2006, Report on Illegal Lending in the UK Research Report, DTI London

Contaminated land

5.60 Contaminated land can in some cases cause death, injury, serious illness including cancer and reproductive disorder, in both the short and long term. Secondary impacts can include property blight, reduced property values, deterrence of investment and development, and legal and other uncertainty. The problem of land contamination is widespread, but particularly prevalent in former industrial areas. Former industrial land and closed landfills that have been redeveloped for housing use in the 1950s to 1990s are a frequent source of concern. 47 per cent of all single-tier authorities voted for Contaminated land as one of their 10 local priorities, and 21 per cent of all district councils voted for it as one of their priorities. This policy area is likely to be more of a concern to some authorities than others, reflecting on the different local environment. 88 per cent of single-tier authorities that identified this as a top ten priority were urban or mixed urban authorities and 83 per cent of counties or districts were urban or mixed and rural. This area is predominately identified by urban/mixed areas as a priority. Although the effectiveness of this legislation was questioned by local authorities, enforcement is one part of the tools local authorities use in remediation of contaminated land. Local authorities with significant amounts of contaminated land are likely to see this policy area as a local priority.

Noise nuisances

5.61 Noise is a significant local issue related to both safer and stronger communities and the environment. The National Noise Attitude Survey undertaken for Defra in 1999/2000 found that 18 per cent of UK respondents placed noise in the top five environmental problems that personally affected them. The study found that the proportion of people adversely affected by noise from neighbours rose from 21 per cent to 26 per cent between 1990 and 2000. Unwanted noise is the biggest source of complaints from local residents to their local authorities – nearly 300,000 in 2004/05, and one in seven people state that neighbour noise affects their quality of life⁶⁹.

5.62 The major impacts on individuals are feelings of annoyance, and a negative impact on well-being of individuals. Noise complaints are often related to other broader issues such as how citizens feel about their local environment. In some areas of the country there are high levels of complaints but there is a large geographical variation in complaint loads. Noise complaints are more concentrated in urban and industrial areas. The local authority survey highlighted noise nuisance as an area of where authorities felt they should be concentrating their resources. 70 per cent of all single-tier authorities voted for noise nuisance as a top 10 local priority, and 20 per cent of all single-tier authorities voted for it as their number one priority. Similarly 60 per cent of district councils voted for noise nuisance, 28 per cent of them as their number one priority. When ranked against the other priority areas the policy area emerges as a significant local priority, second highest for both types of authority. There is an urban bias to those single-tier authorities who place this as a top ten priority – 97.5 per cent were urban or mixed authorities. Of district councils, 80 per cent were urban or mixed authorities.

5.63 Where noise complaints are significant in a local authority, noise should be considered for status as a local priority.

Summary

- 5.64 **The Government should specify to local authorities the five enforcement priorities for Trading Standards and Environmental Health services in England as:**
- Air quality, including regulation of pollution from factories and homes
 - Alcohol, entertainment and late night 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)

⁶⁹ Defra, 2002, The National Noise Incidents Study, 2000, England and Wales, Defra, London

- 5.65 Protecting animal health is of national importance, but applies mainly (though not solely) to rural areas and border inspection points. The responsibility for the enforcement of this area is being reviewed at the moment. Whilst responsibility still lies with local government, the Government should specify to local authorities:
- **Animal and public health, animal movements and identification** as a further enforcement priority.
- 5.66 The roles and responsibilities of local authorities and other bodies involved in regulatory and enforcement activities for animal health and welfare have been subject to a review by David Eves CB. He made a number of recommendations about the future role of local authorities. The Government intends to consult on this. As a consequence, the status of animal health as a national priority for local authorities should be kept under review.
- 5.67 Local enforcement priorities will be decided on a local basis. The evidence collected in this Review shows that a number of policy areas are particularly relevant to local authorities with certain types of problem or characteristics. These are:
- Local environmental quality
 - Underage sales
 - Operation of the housing health and safety rating system
 - Licensing of houses in multiple occupation
 - Consumer credit
 - Imported food
 - Contaminated land
 - Noise nuisances
- 5.68 Local authorities are free to establish any of the policy areas as local priorities. The full cases of the remaining short-listed policy areas are included in the Supplementary volume, part 4. The full list of all policy areas is in Chapter 4, Table 4.1.
- 5.69 In retaining the freedom to respond to their own local circumstances, authorities will wish to decide the resources to be allocated to any specific enforcement activity within existing budgets and make their own decisions on priorities. The Review therefore expects any re-focussing of enforcement activities to be cost-neutral to authorities.

Updating the priorities

- 5.70 It is clear that these national priorities cannot be fixed in aspic, and should be regularly reviewed. The national priorities will need to be updated regularly to reflect new or emerging problems or enforcement area, new evidence which suggests that a policy area has become a high risk national enforcement priority, or that a policy area has ceased to be a national priority (possibly due to effective control), and changing political priorities. The time-scale for updating should be at least every three years to fit in with Comprehensive Spending Review and local authority planning cycles. If new risks emerge, or new evidence becomes available on existing risks, then the review process should be taken forward when necessary.
- 5.71 The Government has already announced, in the Pre-Budget Report 2005, that the Local Better Regulation Office (LBRO) would be responsible for delivering the priorities for local authority regulatory services.
- 5.72 In this Review an evidence-based approach has been used to establish national enforcement priorities. This area is controversial and a difficult one for consensus to be achieved by multiple stakeholders. For the priorities to have most impact on the ground in local authority planning, they need to be in place over a number of years. They need to be able to be refreshed however to keep in line with the changing situation on the ground, new regulation and improvements in outcomes. It may be that revision alongside central government's regular strategic spending reviews is a way of aligning with local authority planning.

- 5.73 There are two main options for agreeing the priorities. One would be to let the Local Better Regulation Office undertake the review and issue the list of priorities without any formal input from central government. However, it is intended that local authorities should have to have regard to the national priorities in their business planning process and this suggests that there should be involvement by central government.
- 5.74 The Local Better Regulation Office 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.
- 5.75 The Local Better Regulation Office should adopt a similar evidence-based approach in refreshing enforcement priorities, taking in to account the risk or harm that the policy area is attempting to remedy, the effectiveness of enforcement at local authority level. Evidence should be sought from multiple stakeholders, but the criteria for enforcement priority should be based upon risk, public and business perception and political priority.

Chapter 6

Putting the priorities into practice

This chapter discusses how the national enforcement priorities are likely to affect local authorities and businesses. It shows that national enforcement priorities should lead to practical benefits and local authorities with good systems in place should be able to incorporate the priorities into their work easily.

Implications for local authorities

- 6.1 It has become clear during this Review that parts of national government think about delivery far more in terms of activities than many local authorities do. Local delivery is commonly organised on a themed basis and involves partnership working towards outcomes, a laudable approach that should continue. It is hoped that everyone will recognise the sound reasons, both practical and conceptual, for establishing national enforcement priorities around fairly limited policy areas and will help make them work.
- 6.2 The different remits of different types of local authority means not all of the national enforcement priorities will apply to all authorities, as shown in Table 6.1.

Table 6.1 National enforcement priorities by tier

National enforcement priorities	District	County	Single tier
Air quality	✓		✓
Alcohol licensing	✓		✓
Animal and public health		✓	✓
Hygiene of businesses	✓		✓
Improving health at work	✓		✓
Fair trading		✓	✓

- 6.3 In two-tier authorities there is likely to be considerable scope for partnership working around national enforcement priorities. County council officers may for example wish to undertake projects to reduce underage sales that are co-ordinated with the work of district councils and address problems related to alcohol in a co-ordinated way.

- 6.4 As Figure 6.1 below shows, local regulatory services from quite different neighbouring authorities are already showing they can work together around shared priorities. It is notable that the Herefordshire and Worcestershire group's highest ten priorities, identified before this Review had reported, include four of the six national enforcement priorities and three areas that the Review identifies as potential local enforcement priorities in areas where risks are high.

Figure 6.1: Joint working and priorities in Herefordshire and Worcestershire

On the face of it Herefordshire and Worcestershire authorities have nothing in common other than a sharing of boundaries and a diverse urban/rural mix of communities.

Herefordshire Council is a unitary authority; Worcestershire is made up of 6 District Councils and a County Council. CPA has rated the various Councils from excellent to, in one case, voluntary engagement. Each has their own vastly different financial pressures, political make-up and levels of resources available. The position of Environmental Health on the corporate radar also varies significantly.

Yet these two Counties have for a number of years worked closely together, forming the Herefordshire and Worcestershire Chief EHO group to establish joint priorities and share best practice. We feel that National priorities would help provide clarity and focus for Members, Chief Executives and professionals, and with the freedom to select local priorities, specific area needs can be addressed.

The outcome of the Rogers Review will allow our Councils to further legitimise our work by creating a virtual shared service; priorities and outcomes that link the LAA with individual service plans, local priorities, based on individual council/community needs, and nationally agreed priorities.

At our recent meeting of Environmental Health Managers, including Trading Standards, the group discussed the Rogers' Review and felt the following priorities applied across the authorities;

- Hygiene of businesses selling, distributing and manufacturing food and safety and fitness of food in the premises
- Local environmental quality
- Air quality including regulation of pollution from factories and homes.
- Alcohol, entertainment and late night refreshment licensing
- Noise nuisances; prevention and control.

In addition the group also placed great emphasis on tackling

- Underage sales
- Anti-social behaviour
- Safety and wholesomeness of food stuffs
- Product safety (non specific)
- Improving health and safety in the workplace.

The main drivers for these priorities were the Local Area Agreements where local priorities are linked to future funding streams, and both District Councils Environmental Health and County Council Trading Standards can work together to deliver LAA targets, particularly under the 'Health and Well Being', 'Environment' and 'Community Safety' themes. However the need for efficiency savings under Gershon, Local Government Review and the work of Philip Hampton influenced the Districts and Counties working closer together to share priorities and work streams.

We strongly welcome the active support of the centre to the local agenda and the challenges that go with it. The group feel that future CPA regime, national PI's and statutory returns should also reflect the council's adoption of the national priorities.

6.5 Local priorities are likely to be chosen by authorities to complement the national enforcement priorities. This means all local authorities have the ability to reflect the needs of their communities. To indicate different patterns of risk and local preferences, the Table 6.2 shows the priorities that might be set by three hypothetical authorities.

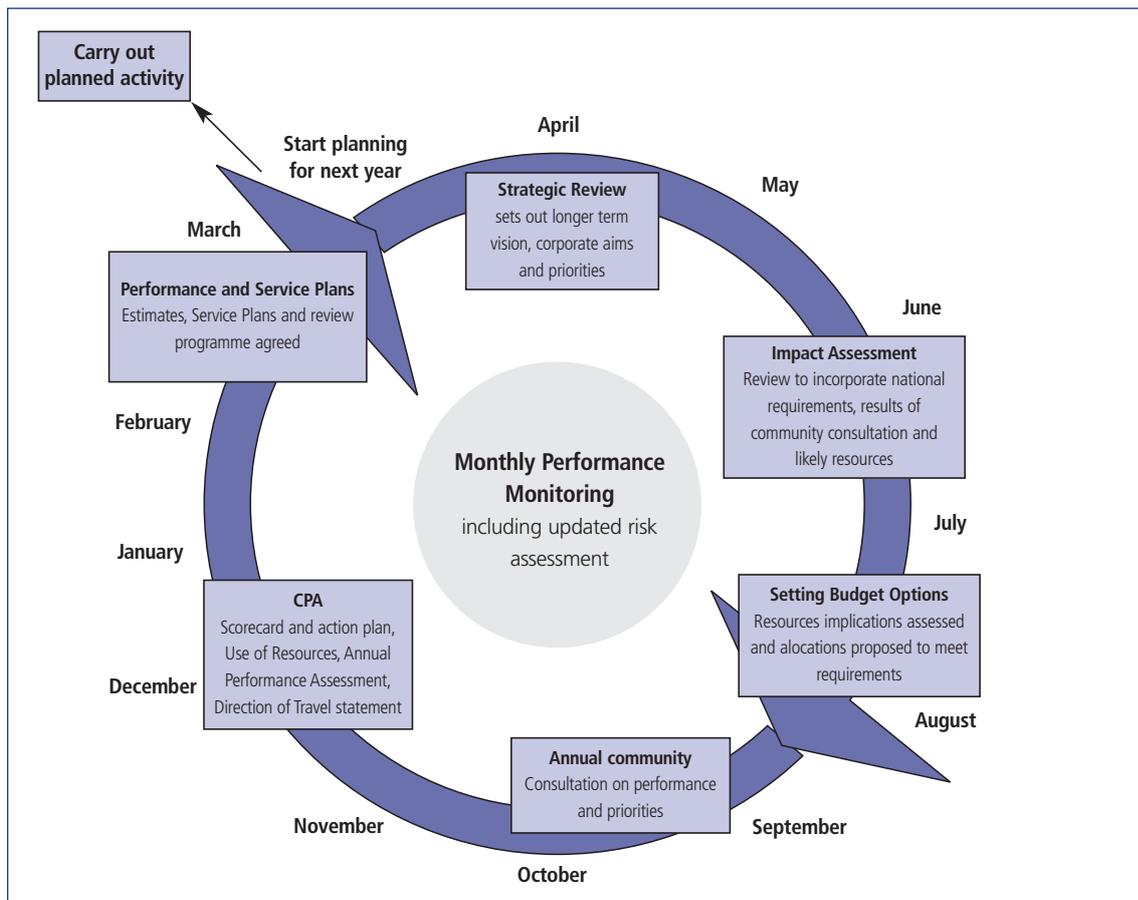
Table 6.2: Implications of the national enforcement priorities

<p>Authority A</p>	<p>Single-tier metropolitan borough, a predominantly urban area with fairly high levels of deprivation.</p> <p>As well as six national enforcement priorities, local considerations could also lead to focus on:</p> <ul style="list-style-type: none"> ■ Local environmental quality ■ Noise nuisances ■ Underage sales ■ Pest control (not one of the short listed areas) ■ Work-related safety – transport
<p>Authority B</p>	<p>Single-tier authority, a coastal area with one large town and surrounds.</p> <p>As well as six national enforcement priorities, local considerations could also lead to focus on:</p> <ul style="list-style-type: none"> ■ Gold standard compliance with regard to hygiene of food businesses to protect the local tourist economy ■ Housing health and safety rating system ■ Licensing of HMOs ■ Local environmental quality
<p>Authority C</p>	<p>District council, rural area with small towns, within the influence of a city and fairly well-off.</p> <p>As well as four of the national enforcement priorities, local considerations could also lead to focus on:</p> <ul style="list-style-type: none"> ■ Approval of food manufacturing premises ■ Local environmental quality ■ And, working with neighbouring districts to co-ordinate health and safety at work activity
<p>Authority D</p>	<p>County council, a mixed rural and urban area with some patches of deprivation.</p> <p>As well as two of the national enforcement priorities, local considerations could also lead to focus on:</p> <ul style="list-style-type: none"> ■ Underage sales ■ Farmed animal welfare ■ Food standards (labelling), as part of themed activity to encourage healthy eating

Service planning

- 6.6 Local authorities already identify priorities and allocate resource against these within a framework of national standards and local requirements. The need for regular performance monitoring, review, and effective audit trails is generally recognised. This process must continue and should be strengthened in those authorities that do not yet observe the highest standards.
- 6.7 The annual business planning process for a typical local authority is illustrated in Figure 6.2 below. This shows how local requirements identified through consultation and review can be balanced with nationally imposed standards.

Figure 6.2: Typical annual business plan cycle for a local authority



- 6.8 In the Figure 6.3 below, Staffordshire County Council Trading Standards Service explain how they bring a range of considerations to bear on planning their services and delivering good outcomes. Authorities with sound systems should have little difficulty in using the national enforcement priorities.

Figure 6.3: Staffordshire County Council's planning approach

We welcome the identification of clear national priorities for regulatory services through the Rogers Review. This will reduce the complexity of the central-local strategic framework that local regulators work within and provided a sound evidence-base demonstrating the impact of regulatory services on a number of diverse policy agendas.

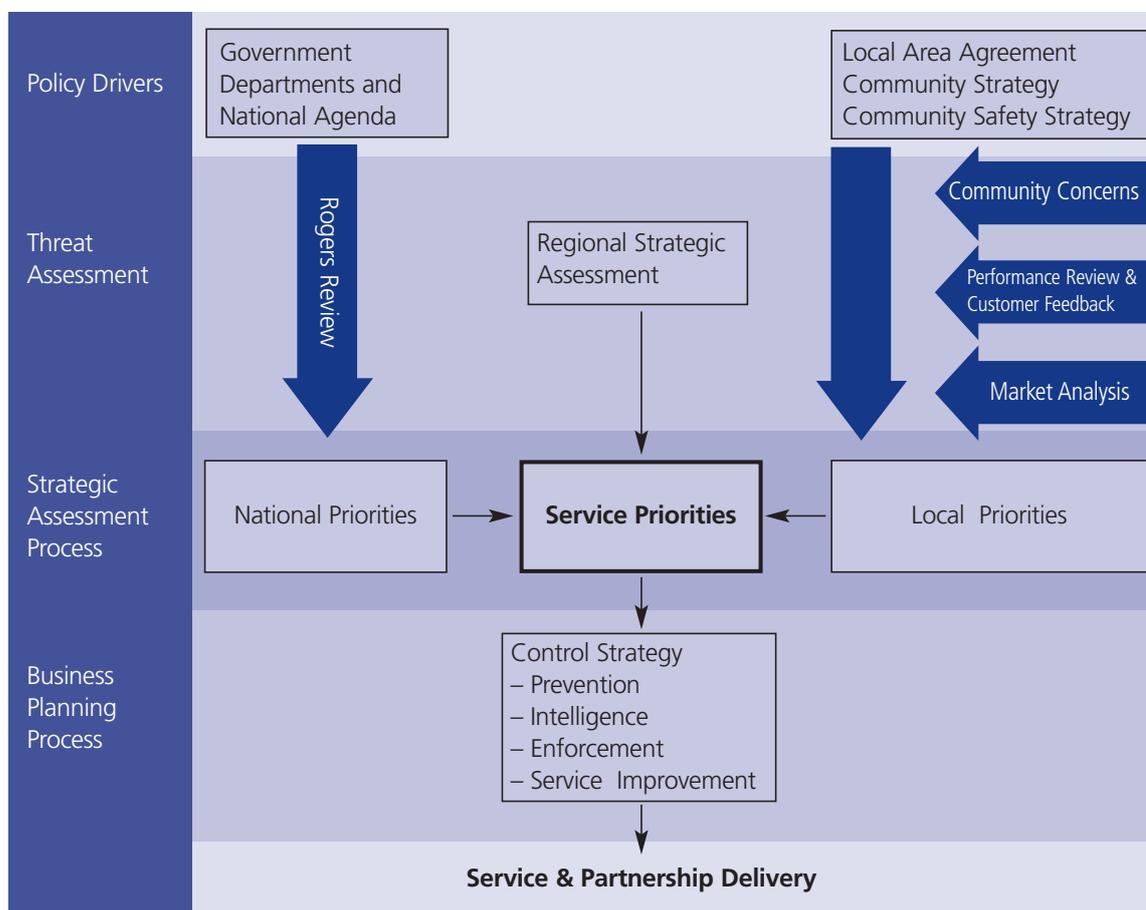
In Staffordshire our strategic assessment process combines national priorities with local priorities, to identify a clear set of priorities for our Trading Standards service which reflect areas of national importance and the needs of Staffordshire communities. We do this by applying the principles of the National Intelligence Model to our business planning as illustrated in the diagram below.

The Staffordshire Local Area Agreement, and the cross cutting countywide Community and Community Safety Strategies drive the agenda for public services in Staffordshire, and regulatory services are central to successful delivery. In line with Hampton principles, we adopt an intelligence-led approach to regulation; analysing a wide range of data, information and intelligence sources to ensure that our activities are focussed on supporting a prosperous, fair and safe local economy.

Engagement of key stakeholders is vitally important, and using the Staffordshire Community Watchdog scheme, a network of over 600 volunteers across the county, community concerns are effectively captured, and considered alongside performance indicators for the service and other customer feedback. Market analysis techniques identify threats and opportunities for the service and the implications for service delivery.

The service priorities identified through this strategic assessment process are delivered through the Control Strategy, the action plan for the year ahead, which outlines our actions for prevention, intelligence, enforcement and service improvement in our service and partnership delivery.

Staffordshire County Council's Planning Approach

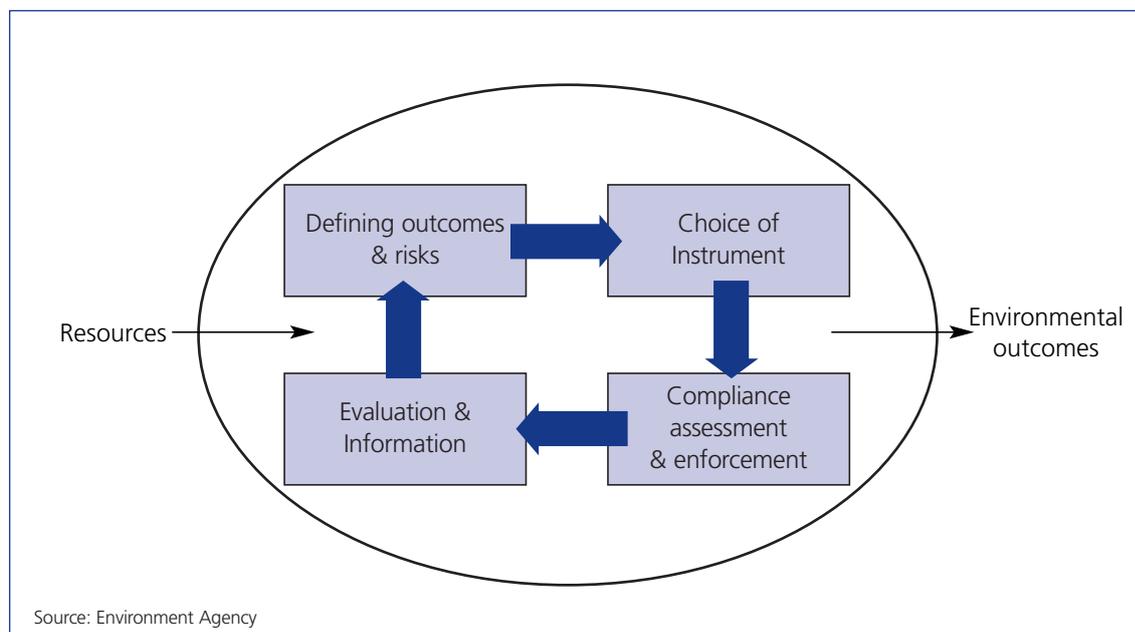


Source: Staffordshire County Council Trading Standards Service

Managing risk and performance

- 6.9 The recommendation of six national enforcement priorities does not remove the responsibility from local authorities to consider the needs for their area and the impact of regulation and non-compliance on their communities. Indeed, it could be argued that it will provide a greater emphasis on local authorities considering evidence, issues and consequences in delivering their services. In particular the impact of enforcement on achieving compliance and better outcomes must be a key consideration.
- 6.10 The national enforcement priorities do not provide an excuse for avoiding legislative or statutory requirements whether they are imposed by the UK government or by Europe. The promotion of a limited set of six key priorities should not be used as a way of reducing budgets, either by national government or local government unless there is strong, indisputable evidence that such a resource shift can be justified.
- 6.11 The resource allocation process for enforcement should reflect the risk-based model put forward in the Hampton Review. Resource should be deployed where it can best influence compliance, control risk and deliver defined outcomes. Risk assessment, risk mitigation and risk review is already embedded in the best local authorities. Good practice is also evident across many other regulatory regimes.

Figure 6.4: Environment Agency model of regulation



- 6.12 Effective risk management involves careful consideration of defined and emerging risks, changes in policy or performance and assessing the consequences of that risk in terms of impact on the community at large. Enforcement is a key part of the mitigation strategy for any local authority.
- 6.13 Risk management should not be a once a year event for local authorities, and risk should be as closely tracked as any other key indicator. Continual review of risk and performance measures is an essential part of effective outcome management, and can indicate those areas even within a particular year where resources may no longer be required because of increased compliance and those areas where additional resource is required because of emerging evidence.
- 6.14 There is clear evidence of differing levels of competence in risk management in local authorities. It is, however, vital that all authorities take risk into account when planning and are able to effectively justify their choices. This is particularly needed in areas where demand is likely to outstrip available

resource, which tends to be the case for local regulatory services as well as for many other local authority services. Standards of risk-management expected of every local authority should be clearly set out, and there is a role for the professional institutes and local authority improvement agencies to foster and spread good best practice in this area. The consequence for local authorities that fail to act appropriately will be unacceptable standards of activity that render the local authority liable in the event of challenge.

Implications for businesses

- 6.15 Businesses are active and important members of the local community. The manner and nature of enforcement activity can significantly impact on their business activities and planning.
- 6.16 Businesses point out that much of their commercial success rests on their brand and their reputation. Large firms argue that local authorities should use a 'light-touch' approach with firms that consistently comply and have high quality internal assurance systems, and that enforcement focus should be centred around those where compliance is less likely to be observed.
- 6.17 It has been heartening to see such strong support for the principle of national enforcement priorities from businesses consulted in the course of this Review. Businesses see focus and prioritisation as fundamental to their own success, and recognise the benefits it could bring local authorities. They wish to see good performance and consistent approaches applied across local government.
- 6.18 It is hoped that they will benefit as the national enforcement priorities support greater consistency across the country. There are roles for the Local Government Association, the Local Better Regulation Office and trade associations in developing and strengthening the relationships between business and local authorities. The prizes for all are enormous, as this could mean a reduced burden on business and a more effective use of enforcement resources.

Implications for national public sector bodies

- 6.19 This Review has recommended that the Local Better Regulation Office take a significant role in promoting and updating these national enforcement priorities.
- 6.20 The LBRO should work closely with the Local Government Association family of organisations to do this, and should particularly seek to reach those local authorities most in need of support through co-ordination of improvement activity.

Chapter 7

Recommendations and the route forward

Recommendation 1

The Government should specify to local authorities the five enforcement priorities for Trading Standards and Environmental Health services in England as:

- **Air quality** (Air quality, including regulation of pollution from factories and homes)
- **Alcohol licensing** (Alcohol, entertainment and late night licensing and its enforcement)
- **Hygiene of food businesses** (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)

Protecting animal and public health is of national importance, but applies mainly (though not solely) to rural areas and border inspection points. The responsibility for the enforcement of this area is being reviewed at the moment. Whilst responsibility still lies with local government, the Government should specify to local authorities:

- **Animal and public health** (Animal and public health, animal movements and identification) as a further enforcement priority.

Recommendation 2

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

Recommendation 3

To make the priorities meaningful on the ground and help local authorities to determine adequate levels of activity, government departments should work with the Local Better Regulation Office 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

The Local Better Regulation Office 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 Local Better Regulation Office 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

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 Local Better Regulation Office should consider the cumulative burden of any new enforcement demands on local authority regulatory services.

Recommendation 6

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

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 prioritisation process. However where a local authority chooses to accept such monies, it should be accountable for its expenditure.

Acronyms and Abbreviations

AMEC	Alcohol Misuse Enforcement Campaign
AMES	Animal Health & Welfare Management and Enforcement System (database)
APHA	Association of Port Health Authorities
APR	Annual percentage rate (credit interest)
BCMS	British Cattle Movement Service
BDG	Business discussion group (Rogers Review)
BRTF	Better Regulation Task Force
BSE	Bovine Spongiform Encephalopathy, known as 'Mad Cow Disease'
BSE	Business stakeholder event (Rogers Review)
CAA	Comprehensive Area Assessment
CAP	Common Agriculture Policy
CCA	Compliance Cost Assessment
CDG	Citizen discussion group (Rogers Review)
CPA	Comprehensive Performance Assessment
CIEH	Chartered Institute of Environmental Health
CIPFA	Chartered Institute of Public Finance Administration
CLG	Department of Communities and Local Government
CO	Cabinet Office
COMAH	Control of Major Accident Hazards
DC	Departmental case (Rogers Review)
DCA	Department for Constitutional Affairs
DCMS	Department for Culture, Media and Sport
DEFRA	Department for Environment Food and Rural Affairs
DFT	Department for Transport
DH	Department of Health
DTI	Department for Trade and Industry
DTS	Diploma in Trading Standards
DWP	Department for Work and Pensions
EA	Environment Agency
EC	European Commission
EHD	Environmental Health department
EHPs	Environmental Health Practitioners
EPA	Environmental Protection Agency (US)
EU	European Union
FSA	Financial Services Authority
FSA	Food Standards Agency
FVO	Food and Veterinary Office
GMO	Genetically modified organism
GP	General medical practitioner
HACCP	Hazard Analysis at Critical Control Points
HELA	Health and Safety/Local Authority Liaison Committee
HHSRS	Housing health and safety rating system
HO	Home Office
HMO	Houses in Multiple Occupancy
HMT	HM Treasury
HPA	Health Protection Agency
HSC	Health and Safety Commission
HSE	Health and Safety Executive
HSWA	Health and Safety and Work etc Act 1974
ICAEW	The Institute of Chartered Accountants in England and Wales
IPPC	Integrated pollution prevention and control
LAA	Local Area Agreement
LAE	Local Authority event (Rogers Review)
LABREG	Local Authority Better Regulation group
LACORS	The Local Authorities Co-ordinators on Regulatory Services
LARS	Local Authority Regulatory Services

LA	Local Authority
LAS	Local Authority survey (Rogers Review)
LBRO	Local Better Regulation Office
LBTF	Lifting the Burdens task force
LEQ	Local Environmental quality
LGA	Local Government Association
LSP	Local Strategic Partnership
NAO	National Audit Office
NDPBs	Non Departmental Public Bodies
NIM	National Intelligence Model
NWML	National Weights and Measures Laboratory
OCD	Official Control Directive
OFT	Office of Fair Trading
PHA	Port Health Authorities
PRA	Panel for Regulatory Accountability
PSA	Public Service Agreement
RIA	Regulatory Impact Assessment
RIVM	National Institute for Public Health and the Environment, Netherlands
RPA	Rural Payments Agency
SMEs	Small and Medium Sized Enterprises
SDP	Strategic Delivery Programme
TEN	Temporary event notice (entertainment and liquor licensing)
TSD	Trading Standards department
TSI	Trading Standards Institute
TSPs	Trading Standards Professionals
TSS	Trading Standards Services

Appendix 1

Consultees and stakeholder events

List of consultees

Expert User Group members

Derek Allen, Chief Executive, Local Authorities Co-ordinators on Regulatory Services
 Ron Gainsford, Chief Executive, Trading Standards Institute
 Graham Jukes, Chief Executive, Chartered Institute of Environmental Health
 Tim Everett, Director of Services, Worthing Borough Council
 Mike Hill, Head of Trading Standards, Essex County Council
 Steve Miller, Head of Public Protection, Newham London Borough Council
 Graham Russell, Head of Consumer Services, Staffordshire County Council
 Coleen Welfare, Head of Environmental and Consumer Services, Luton Borough Council

Others contributors to the Review

Tony Allen, Head of Trading Standards and Licensing, Oldham Metropolitan Borough Council
 Jon Averbs, Under Secretary Association of Port Health Authority
 Dr Chris Day, Lecturer, Kings College London
 Rachel Gapp, Secretariat, Lifting the Burdens task force
 Richard Guthrie, Divisional Manager, Policy, Performance and Community Engagement, West Yorkshire Joint Services
 Graham Hebblethwaite, Chief Officer, West Yorkshire Joint Services
 Stephen Hughes, Chief Executive, Birmingham City Council
 Steve Jordon, Head of Environmental Services, Wychavon District Council
 Jacqui Kennedy, Senior Assistant Director, Regulatory Services, Birmingham City Council
 David Littleton, Head of Regulation, London Borough of Southwark
 Ivor Pumfrey, Head of Environmental Services, Malvern Hills District Council
 John Ransford, Deputy Chief Executive, Local Government Association
 Tony Reeves, Chief Executive, Bradford Metropolitan District Council
 Paul Rogerson, Chief Executive, Leeds City Council
 Christine Wade, Assistant Chief Executive, Consumer Advice and Trading Standards, Office of Fair Trading

Local authority organisations and professional bodies:

Association of Port Health Authorities (APHA)
 Chartered Institute of Environmental Health (CIEH)
 Institute of Licensing
 Local Authorities Co-ordinators on Regulatory Services (LACORS)
 Local Government Association (LGA)
 Society of Chief Trading Standards Officers (SoCTSO)
 Trading Standards Institute (TSI)

Government departments, non-departmental public bodies and agencies:

Department for Culture, Media and Sport
 Department for Environment Food and Rural Affairs
 Department for Trade and Industry
 Department of Communities and Local Government
 Department of Environment Food and Agriculture
 Department of Health
 Environment Agency
 Food Standards Agency
 Health and Safety Commission
 Health and Safety Executive
 Health Protection Agency
 HM Treasury
 Home Office
 Office of Fair Trading

Attendees at local authority meetings:

Allerdale Borough Council
 Alnwick District Council
 Amber Valley Borough Council
 Babergh District Council
 Barking and Dagenham London Borough Council
 Barnet London Borough Council
 Barnsley Metropolitan Borough Council
 Barrow in Furness Borough Council
 Bedford Borough Council
 Birmingham City Council
 Blyth Valley Borough Council
 Bolton Metropolitan Borough Council
 Boston Borough Council
 Bracknell Forest Borough Council
 Bradford Metropolitan District Council
 Brent and Harrow London Borough Council
 Brighton and Hove City Council
 Broxbourne Borough Council
 Buckinghamshire County Council
 Bury Metropolitan Borough Council
 Calderdale Metropolitan Borough Council
 Cambridge City Council
 Camden London Borough Council
 Castle Morpeth Borough Council
 Charnwood Borough Council
 Chester City Council
 Chorley Borough Council
 Christchurch Borough Council
 City of London
 Cornwall County Council
 Crawley Borough Council
 Crewe and Nantwich Council
 Croydon London Borough Council
 Cumbria County Council
 Darlington Borough Council
 Daventry District Council
 Derbyshire County Council
 Derwentside District Council
 Devon County Council
 Doncaster Metropolitan Borough Council
 East Northamptonshire District Council

East Riding of Yorkshire Council
Eastbourne Borough Council
Eden District Council
Enfield London Borough Council
Epping Forest District Council
Essex County Council
Forest of Dean District Council
Gateshead Metropolitan Borough Council
Gedling Borough Council
Gloucester City Council
Gloucestershire County Council
Great Yarmouth Borough Council
Greenwich London Borough Council
Hampshire County Council
Haringey London Borough Council
Harlow District Council
Harrogate Borough Council
Harrow London Borough Council
Hartlepool Borough Council
Hastings Borough Council
Havering London Borough Council
Hillingdon London Borough Council
Hinckley and Bosworth Borough Council
Horsham District Council
Hull and Goole Port Health Authority
Hull City Council
Hyndburn Borough Council
Isle of Wight Council
Islington London Borough Council
Kirklees Metropolitan Borough Council
Lambeth London Borough Council
Leeds City Council
Leicester City Council
Leicestershire County Council
Lewes District Council
Lewisham London Borough Council
Lichfield District Council
Lincoln City Council
Liverpool City Council
Luton Borough Council
Macclesfield Borough Council
Malvern Hills District Council
Manchester City Council
Medway Borough Council
Mendip District Council
Merton London Borough Council
Mid Bedfordshire District Council
Middlesbrough Council
Milton-Keynes Council
New Forest District Council
Newark and Sherwood District Council
Newcastle Upon Tyne City Council
Newham London Borough Council
North East Lincolnshire Council
North Kesteven District Council
North Lincolnshire Council
North Warwickshire Borough Council
North West Leicestershire District Council

North Yorkshire County Council
Northumberland County Council
Nottinghamshire County Council
Nuneaton and Bedworth Borough Council
Oadby and Wigston Borough Council
Oldham Metropolitan Borough Council
Peterborough City Council
Plymouth City Council
Poole Borough Council
Preston City Council
Reading Borough Council
Redcar and Cleveland Borough Council
Redditch Borough Council
Reigate and Banstead Borough Council
Richmondshire District Council
River Blyth Port Health Authority
Rochdale Metropolitan Borough Council
Rother District Council
Rotherham Metropolitan Borough Council
Royal Borough of Kensington and Chelsea Council
Royal Borough of Kingston Council
Royal Borough of Windsor And Maidenhead Council
Rugby Borough Council
Runnymede Borough Council
Rushcliffe Borough Council
Rushmoor Borough Council
Ryedale District Council
Salford City Council
Sandwell, Metropolitan Borough Council
Scarborough Borough Council
Sedgemoor District Council
Sefton Council
Sheffield City Council
Shepway District Council
Slough Borough Council
Solihull Metropolitan Borough Council
Somerset County Council
South Cambridgeshire District Council
South Lakeland District Council
South Oxfordshire District Council
South Ribble Borough Council
South Staffordshire Council
South Tyneside Metropolitan Borough Council
Southampton City Council
Southend on Sea Borough Council
Southwark London Borough Council
St Albans City and District Council
St Helens Metropolitan Borough Council
Staffordshire County Council
Stevenage Borough Council
Stockport Metropolitan Borough Council
Stockton-on-Tees City Council
Stratford on Avon District Council
Stroud District Council
Suffolk County Council
Surrey County Council
Sutton London Borough Council
Swindon Borough Council

Telford and Wrekin Borough Council
 Tonbridge and Malling Borough Council
 Tynedale Borough Council
 Wakefield City Metropolitan District Council
 Wakefield Metropolitan Borough Council
 Walsall Metropolitan Borough Council
 Wandsworth London Borough Council
 Warwick District Council
 Warwickshire County Council
 Watford Borough Council
 Wealden District Council
 Wear Valley District Council
 West Dorset District Council
 West Lindsey Council
 West Yorkshire Joint Services
 Westminster City Council
 Wigan Metropolitan Borough Council
 Winchester City Council
 Wolverhampton City Council
 Worcestershire County Council
 Wychavon District Council
 York City Council

Devolved Administrations

Ronnie Alexander, Chief Environmental Adviser, Welsh Assembly Government
 Douglas Baird, Scottish Executive, Local Government Finance Division
 Chris Brereton, Deputy Chief Environmental Adviser, Welsh Assembly Government
 Barry Heywood, Chief Environmental Health Officer, Northern Ireland
 David Livingstone, Head of Trading Standards, Northern Ireland
 Mark Pinkerton, Head of Economic Strategy Unit in the Dept of Enterprise Trade and Investment, Northern Ireland Assembly
 Richard Shearer, Head of Regulation and Inspection Team, Welsh Assembly Government

Business representatives:

Alliance Against IP Theft
 ASDA
 Association of Convenience stores (ACS)
 British Cattle Movement Service (BCMS)
 British Beer and Pubs Association (BBPA)
 British Chamber of Commerce (BCC)
 British Frozen Food Federation (BFFF)
 British Retail Consortium (BRC)
 Chilled Food Association (CFA)
 Confederation of British Industry (CBI)
 Federation Against Software Theft Limited (FAST)
 Federation of Small Businesses (FSB)
 Food and Drink Federation (FDF)
 Food Law Group (Law Society)
 Gough Square Chambers
 Institute of Directors (IOD)
 J Sainsbury plc
 James and Associates
 National Association of Master Bakers (NAMB)
 National Federation of Fish Friers (NFFF)
 National Landlords Association
 Provisions Trade Federation (PTF)
 Wines and Spirits Trade Association (WSTA)

Meetings to gather stakeholder input Dec 2006 – Mar 2007

Local Authority meetings;

Stakeholder meeting 1
16th January

Westminster City Hall, London
(Hosted by Westminster City Council)

Stakeholder meeting 2
26th January

West Yorkshire Joint Services, Leeds
(Hosted by Leeds City Council and WYJS)

Stakeholder meeting 3
26th January

West Yorkshire Joint Services, Leeds
(Hosted by Bradford Metropolitan DC and WYJS)

Stakeholder meeting 4
29th January

Birmingham and Midland Institute
(Hosted by Birmingham City Council)

Stakeholder meeting 5
1st February

Westminster City Hall, London
(Hosted by Westminster City Council)

Citizen discussion groups;

16th January

London

16th January

London

18th January

Manchester

18th January

Manchester

22nd January

Birmingham

22nd January

Birmingham

Business breakfast briefing:

1st February

Westminster City Hall, London
(hosted by Peter Rogers)

Business Discussion groups;

16th January

London

Small businesses

18th January

Manchester

Large business

18th January

Manchester

Small business

18th January

Reading

Small business

18th January

Reading

Small business

19th January

Cardiff

Small business

19th January

Cardiff

Small business

22nd January

Birmingham

Large businesses

22nd January

Birmingham

Small Businesses

23rd January

London

Large business

Business meetings

31st January

Institute of Directors

5th February

CBI members

6th February

BRC members

Appendix 2

The initial sift

The following table shows the results of the initial scoring to reduce the long list to 24 policy areas as described in Chapter 4. The table is not a conclusive or comprehensive list of all policy areas and was developed for broad sifting purposes only. It should not be relied upon as being definitive.

Category	Policy Area	Govt depts or regulators	TS/EH	Risk/ impact to whole local community			National priority		Perception of importance in community			Legal status			
				Impact/ risk	Effectiveness of enforcement and regime	Other enforcement mechanism/ means of redress	National political priority programme	Geographical spread of problem	Complaint levels	Ombudsman complaint	European derived?	European enforcement plan required	Statutory duty		
				High 15	High 10	No 5	Fits 10 No fit 0	Low variation 10	High 10	High 5					
				Medium 10 Low 1	Medium 5 Low 1	Yes 0		Medium variation 5 High variation 1	Medium 5 Low 1	Low 1					
	Local street environment (was litter)	DEFRA	EH	10	1	0	10	1	5	1	D	N	N		
	Contaminated land	DEFRA	EH	10	5	5	0	1	0	0	D	N	N		
Fair trading	Trade description/trade marking/ misdescription/doorstep selling	DTI	TS	10	10	0	0	1	10	1	E/D	N	N		
	Sunday trading hours	DTI	TS	1	5	0	0	5	5	1	D	N	N		
	Business names use and display (using prohibited business name)	DTI	TS	1	1	5	0	1	1	1	D	N	N		
	Publication of car fuel consumption, approval markings on energy-consuming appliances	DTI	TS	1	1	5	0	10	1	1	E	N	Y		
	Unfair contract terms & cancellation and call off periods	DTI	TS	10	5	0	0	1	5	1	D	N	Y		
	Consumer transactions restrictions of statements (protection of statutory rights on customers)	DTI	TS												
	Hygiene of premises selling and manufacturing food	FSA	EH		15	5	5	0	10	5	1	E	Y?	N	
Food safety	Approval of food manufacturing premises	FSA	EH	15	10	5	0	1	1	1	E	Y?	N		
	Safety and wholesomeness of food stuffs	FSA	EH	15	1	5	0	5	1	1	E	N	N		
	Food standards (labelling)	FSA	TS	10	1	5	0	5	1	1	E	N	N		
Food standards	Imported food	FSA	EH	15	1	5	0	5	1	1	E	N	N		

Category	Policy Area	Govt depts or regulators	TS/EH	Risk/ impact to whole local community			National priority			Perception of importance in community			Legal status		
				Impact/ risk	Effectiveness of enforcement and regime	Other enforcement mechanism/ means of redress	National political priority programme	Geographical spread of problem	Complaint levels	Ombudsman complaint	European derived?	European enforcement plan required	Statutory duty		
Health and safety in non-industrial workplaces	General health and safety at work	HSE	EH	15	High 10	No 5	Fits 10 No fit 0	Low variation 10	High 10	High 5	1	E	N	N	
	Chemicals	HSE	EH	10	Medium 5 Low 1	Yes 0		Medium variation 5 High variation 1	Medium 5 Low 1	Low 1			N	N	
	Ergonomics	HSE	EH	15	1	5	0	10	5	1			N	N	
	Petroleum (storage/safety)	DTI	TS	10	5	0	0	1	1	1	1	N	N	N	
Licensing	Taxi licensing	DfT	EH	1	10	5	0	1	1	1	1	D	N	N	
	Licensing for animals (welfare/breeding/safety)	DEFRA	EH	10	10	5	0	1	5	1	5	D	N	N	
	Street trading licensing	DCMS	EH	1	10	5	0	1	5	1	5	D	N	N	
	Liquor and entertainment licensing	DCMS	EH	10	10	5	10	5	10	1	10	D	N	N	
	Business licensing		EH	1	10	5	0	1	1	1	1	D	N	N	
Prices	Price marking	DTI	TS	1	1	5	0	1	1	1	1	E	N	N	
	Misleading prices	DTI	TS	10	5	5	0	1	5	1	5	D	N	N	

Category	Policy Area	Govt depts or regulators	TS/EH	Risk/ impact to whole local community			National priority		Perception of importance in community			Legal status		
				Impact/ risk	Effectiveness of enforcement and regime	Other enforcement mechanism/ means of redress	National political priority programme	Geographical spread of problem	Complaint levels	Ombudsman complaint	European derived?	European enforcement plan required	Statutory duty	
				High 15	High 10	No 5	Fits 10 No fit 0	Low variation 10	High 10	High 5				
				Medium 10 Low 1	Medium 5 Low 1	Yes 0		Medium variation 5 High variation 1	Medium 5 Low 1	Low 1				
Private sector housing standards	Licensing of HMOs for fire safety/ standards and management	DCLG	EH	15	10	5	10	1	5	1	1	D	N	
	Management orders relating to houses in multiple occupation	DCLG	EH	1	5	5	0	1	1	1	1	D	N	
	Health and safety of private rented housing	DCLG	EH	15	5	5	10	1	5	1	1	D	N	
	Area renewal areas	DCLG	EH	10	5	5	0	1	1	1	1	D	N	
	Selective licensing	DCLG	EH	1	5	5	0	1	1	1	1	D	N	
	Empty property	DCLG	EH	1	1	5	0	1	1	1	1	D	N	
	Product safety (subject to specific safety regulations i.e. fireworks)	DTI	TS	15	5	5	0	1	5	1	1	D	N	
	Product safety (not subject to specific safety regulations)	DTI	TS 10	5	5	0	1	5	1	1	D	N	N	
Vehicle safety (sale of un-roadworthy vehicles)	DTI	TS	10	1	0	0	1	1	1	1	D	N		
Public protection (for example receiving malicious communications)	DTI	TS	1	1	0	0	1	1	1	1	D	N		
Overloaded vehicles	DTI	TS	10	1	0	0	5	1	1	1	D	N		
Control over the sale of poisons	DTI	TS	1	1	5	0	1	1	1	1	D	N		

Category	Policy Area	Govt depts or regulators	TS/EH	Risk/ impact to whole local community			National priority			Perception of importance in community			Legal status		
				Impact/ risk	Effectiveness of enforcement and regime	Other enforcement mechanism/ means of redress	National political priority programme	Geographical spread of problem	Complaint levels	Ombudsman complaint	European derived?	European enforcement plan required	Statutory duty		
				High 15	High 10	No 5	Fits 10 No fit 0	Low variation 10	High 10	High 5					
				Medium 10 Low 1	Medium 5 Low 1	Yes 0		Medium variation 5 High variation 1	Medium 5 Low 1	Low 1					
Public health	Notification/ prevention of infectious diseases	DH	EH	10	5	5	10	5	1	1	1	D	N	N	
	Dogs – control over fouling of the land		EH	1	1	5	0	5	3	1	D	N	N	N	
	Maintenance/safety of sewerage and drainage	DCLG	EH	1	10	5	0	1	1	1	D	N	N	Y	
	Sufficiency of water supply to new/ existing homes	DCLG	EH	1	1	5	0	1	1	1	D	N	N	Y	
	Standards and availability of sanitary conveniences	DCLG	EH	1	1	5	0	5	1	1	D	N	N	N	
	Seizure of stray dogs	Defra	EH	1	5	5	0	1	1	1	D	N	N	N	
Weights & measures	Weights and measures (short measures/ fraudulent use of equipment)	DTI	TS	1	5	5	0	5	1	1	D	N	N	Y	
	Labelling of equipment	DTI	TS	1	5	5	0	5	1	1	D	N	N	Y	

Appendix 3

Results from data collection

Summary case: Air quality – including the regulation of pollution from factories and homes

- Air pollution damages health, quality of life and shortens life expectancy
- Air pollution as a whole is significant (e.g. particulate impact in 2005 was £21 billion, but largely outside LA responsibility)
- Issue is geographically spread with some urban/ industrial/ concentrated road transport areas most badly affected
- Important issue for citizens but they are mainly concerned about areas over which local authorities have little control (Environment Agency will deal with large polluters but enforcement officers will work alongside planners and transport planners in dealing with air pollution)

Policy Area	Air quality – including the regulation of pollution from factories and homes	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ To minimise the air pollution emissions of 16,000 specified industrial and other premises (such as glassworks, foundries, dry cleaners, furniture manufacturers) this figure is likely to rise to about 21,000 premises during 2007. ■ Related policy of establishing air quality management areas and action plans where the air quality fails to meet legal standards. 	DC
Description of harm prevented	<ul style="list-style-type: none"> ■ These industries can make a substantial contribution to levels of volatile organic compounds which are the starting point for ozone pollution, and also convert to CO₂ in the atmosphere. ■ Toxic emissions of dioxins, or offensive odour. ■ Air pollution causes a range of health impacts: respiratory /cardio-vascular etc. ■ Defra suggests that there is a disproportionate impact on deprived communities. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Processes controlled by local authorities include: <ul style="list-style-type: none"> – high impact installations, such as major glassworks, vehicle manufacturers painting lines, chipboard manufacture and brickworks – medium impact installations, such as smaller incinerators, manufacturers of coatings, larger printworks and other installations applying coatings, crematoria and foundries – lower impact installations (in terms of their individual impact), although for some sectors, such as petrol stations and dry cleaners, there are several thousand installations nationally and typically several in every local authority area. ■ These processes all contribute to the quality of the air breathed in local areas, with implications for public health (including hospital admissions, GP appointments and premature death – those with lung diseases and heart conditions being most affected), as well as damage to buildings and to local ecology. ■ Persistent offensive smells can be particularly distressing to local people and impede their freedom. ■ Smoke and dust emissions also damage local physical amenity. ■ Scientific evidence suggests that exposure to air pollution has a long-term effect on health. ■ Particulate pollution reduces average life expectancy by 8 months. Local authority action on air pollution cannot remove man-made particulate pollution so the impact of these specific measures in reducing this harm is un-quantified. 	DC

Policy Area	Air quality – including the regulation of pollution from factories and homes	Source of evidence
	<ul style="list-style-type: none"> ■ Odour issues may arise (un-quantified) and where they come from premises that fall within Pollution, Prevention and Control (PPC) local authorities cannot deal with them under nuisance provisions. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Defra have estimated the total cost of the health impacts of all air pollution to be £9.1 -21.4bn in 2005. The problem is that this figure relates to air pollution from all sources. The extent of the sources of air pollution controlled by local authority regulation is limited. The majority of air pollution comes from road transport, not stationary sources. ■ The stationary sources controlled by local authorities are low impact with low emissions. Defra's proposals to remove some of these sources from permitting regimes is evidence of their limited impact. 	DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ Air pollution sources controlled under the PPC scheme and Clean Air Acts are concentrated in more industrial areas. ■ Defra claim that pollution affects deprived communities more, particularly transport pollution. ■ Part B processes are spread throughout the country but are more focused in urban areas. ■ AQM areas are more likely to be in urban areas and along major road routes. 	DC LAS
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ It is noted that a Defra review is underway to explore whether some Part B premises are of sufficiently low risk to be regulated less intensely or removed from the permitting regime and returned to statutory nuisance procedures. ■ There were views expressed at the local authority events that air quality management was a 'tick over activity' and that once established little active measures were taken (or able to be taken as it was beyond the local authority environmental health control). ■ From the local authority survey it is clear that air pollution measures were perceived as effective by 72 per cent of authorities. However 4 per cent identified the areas as ineffective. 	LAS LAE LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ EHPs have statutory duties under Part IV of the Environment Act 1995 to implement local air quality management. ■ Work closely with the local community and business sector to raise awareness and commitment to minimising air pollution, as well as work in partnership with land-use, transport planners and other local stakeholders in taking action to improve local air quality. ■ Local authorities' regulatory responsibilities for land-use and transport planning can contribute significantly to improving air quality, for example reducing the need to travel, improving public transport links, etc. Local authorities also have traffic management and other powers to secure air quality benefits, such as the following [figures in square brackets are percentages of local authorities' action plans containing these measures]: <ul style="list-style-type: none"> – Local traffic management measures to limit access to, or re-route traffic away from, problem areas [58 per cent]; – Enforcement of congestion schemes/low emissions strategies/zones or workplace parking levies [41 per cent]; – Bus/Freight Quality Partnerships [23 per cent]; 	LAE

Policy Area	Air quality – including the regulation of pollution from factories and homes	Source of evidence
	<ul style="list-style-type: none"> – promoting walking/cycling schemes [68 per cent]; – Regulations allowing local authorities to check roadside vehicle emissions and issue fixed penalties if vehicles do not meet the legal limits; also enforcement of idling vehicles powers [54 per cent]; – use of Traffic Regulation Orders to reduce emissions on public service vehicles; – use of licensing powers and enforcement to set emissions standards on Taxis [15 per cent]; – improving public transport [72 per cent]; and – strategies to inform the public of local air quality issues, to raise awareness and to help influence travel behaviours [60 per cent]. <ul style="list-style-type: none"> ■ Many transport schemes may work effectively at a local level e.g. London Congestion Charge/ future London Low Emission Zone. ■ Local authorities issue permits for a range of small polluting processes and monitor air quality in defined air quality management areas. Only 3 per cent of authorities spend a high proportion of their time on air pollution, whilst 74 per cent spend a low proportion. ■ There is an issue on effectiveness of local air pollution enforcement – the majority of sources are outside the control of local authorities. This means that although local authorities can have an impact on pollution locally through the use of local development plans, and local transportation planning, they have no control over large emitters; transport generally and domestic emissions (apart from new build). ■ Where road transportation pollution is the major source of air pollution locally, local authorities were encouraged to incorporate their action plans into the second round of transport plans. 	
Views of citizens	<ul style="list-style-type: none"> ■ For those living close to urban centres, air quality was perceived to be particularly bad. This was frequently attributed to increased traffic and also pollution from factories. However, even those living in more rural areas spoke of how developments (such as the building of motorways) had contributed to a decrease in air quality. ■ None of these areas identified by the discussion groups would be controlled by local authorities. ■ Defra have carried out surveys exploring how the public feel about environmental issues. The figure overleaf shows that air pollution issues are seen as less important than other pollution issues. 	CDG DC

Policy Area	Air quality – including the regulation of pollution from factories and homes	Source of evidence																																										
	<table border="1"> <caption>Ranking of Air Quality Issues</caption> <thead> <tr> <th>Issue</th> <th>Number of respondents (approx.)</th> </tr> </thead> <tbody> <tr><td>Disposal of hazardous waste</td><td>68</td></tr> <tr><td>Pollution in rivers</td><td>55</td></tr> <tr><td>Pollution in bathing waters and on beaches</td><td>50</td></tr> <tr><td>Traffic exhaust fumes and urban smog</td><td>48</td></tr> <tr><td>Fumes and smoke from factories</td><td>45</td></tr> <tr><td>Effects of livestock methods (inc. BSE)</td><td>62</td></tr> <tr><td>Loss of trees and hedgerows</td><td>45</td></tr> <tr><td>Use of pesticides, fertilisers and chemical sprays</td><td>42</td></tr> <tr><td>Growing genetically modified crops</td><td>28</td></tr> <tr><td>Loss of plants and animals in the UK</td><td>52</td></tr> <tr><td>Losing Green Belt land</td><td>45</td></tr> <tr><td>Ozone layer depletion</td><td>50</td></tr> <tr><td>Tropical forest destruction</td><td>48</td></tr> <tr><td>Climate change/global warming</td><td>45</td></tr> <tr><td>Acid rain</td><td>35</td></tr> <tr><td>Traffic congestion</td><td>42</td></tr> <tr><td>Using up of UK's natural resources</td><td>38</td></tr> <tr><td>Household waste disposal</td><td>35</td></tr> <tr><td>Decay of inner cities</td><td>32</td></tr> <tr><td>Noise</td><td>22</td></tr> </tbody> </table>	Issue	Number of respondents (approx.)	Disposal of hazardous waste	68	Pollution in rivers	55	Pollution in bathing waters and on beaches	50	Traffic exhaust fumes and urban smog	48	Fumes and smoke from factories	45	Effects of livestock methods (inc. BSE)	62	Loss of trees and hedgerows	45	Use of pesticides, fertilisers and chemical sprays	42	Growing genetically modified crops	28	Loss of plants and animals in the UK	52	Losing Green Belt land	45	Ozone layer depletion	50	Tropical forest destruction	48	Climate change/global warming	45	Acid rain	35	Traffic congestion	42	Using up of UK's natural resources	38	Household waste disposal	35	Decay of inner cities	32	Noise	22	
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Views of business	<ul style="list-style-type: none"> ■ This area was did not emerge as a priority from business discussion groups, trade association or individual company responses. ■ There are overlaps with national regulators and therefore a need for agencies to work cohesively together. 	BDG BSE																																										
Views of local authorities	<ul style="list-style-type: none"> ■ Air quality was a significant local priority for both district and single-tier authorities. ■ When asked which areas should be a local priority for your local authority, 67 per cent of single-tier authorities surveyed selected air quality as one of their ten priorities, and 45 per cent of district councils voted it as a top five priority. ■ When ranked against other policy areas the authority is responsible for, air quality was 7th and 5th highest respectively. ■ This is clearly an urban/ mixed urban bias in concern about air pollution – 97 per cent of single-tier authorities who voted for it as a top 10 and 66 per cent of district councils who voted it a 5 priority were urban or mixed authorities. 	LAS																																										

Summary case: Alcohol, entertainment and late night refreshment licensing and its enforcement

- 1 in 5 violent incidents were found to occur in or around public houses, and takeaways are a focus for late night disorder
- Up to 22,000 premature deaths each year
- Up to 17 million working days lost through alcohol-related absence
- Circa £ 0.5 billion in NHS accident and emergency attendance and ambulance costs estimated to be alcohol-related (up to 35 per cent of total costs)
- Increased anti social behaviour and fear of crime – 61 per cent of the population perceive alcohol-related violence as worsening
- Underage drinking is prevalent 56 per cent of all 10 to 17-year-olds reported having an alcoholic drink in the previous 12 months, 13 children a day are admitted to hospital as a result of alcohol
- Around half of all violent crimes is alcohol-related

Policy Area	Alcohol, entertainment and late night refreshment licensing and its enforcement	Source of evidence
Aim of policy area	<p>Grant licences and certificates to premises, members' clubs and individuals selling and supplying alcohol and/or providing regulated entertainment and /or late night refreshment; and enforce related licensing offences and conditions attached to such licences and certificates.</p> <p>The Licensing Act 2003 sets out four statutory objectives which licensing is designed to promote in controlling the retail sale of alcohol, provision of regulated entertainment and late night catering:</p> <ul style="list-style-type: none"> ■ the prevention of crime and disorder; ■ public safety; ■ the prevention of public nuisance; and ■ the protection of children from harm. <p>It became fully operational from 24 November 2005.</p>	DC
Description of harm prevented	<p><i>Crime and disorder</i></p> <ul style="list-style-type: none"> ■ Crime and disorder issues arise primarily, but not exclusively, with regard to sales and supplies of alcohol. ■ The Act makes it illegal to sell alcohol to those who are under 18 years of age, or drunk. ■ It allows conditions to be attached to licences which regulate sales. These conditions must be designed to control the risks to the four statutory objectives e.g. requiring CCTV cameras, or for door supervision by licensed security staff. ■ A small minority of rogue premises at which alcohol is consumed will be associated with or have a propensity for: violence, drugs dealing and consumption, trafficking in stolen goods and firearms, and the targeting of tourists and others for theft. Accordingly the consequence of failing to enforce licensing law would be more crime, more disorder, more anti-social behaviour and less effective crime prevention. <p><i>Public safety</i></p> <ul style="list-style-type: none"> ■ Issues of public safety arise primarily in the context of regulated entertainment and in relation to alcohol sales. 	DC

Policy Area	Alcohol, entertainment and late night refreshment licensing and its enforcement	Source of evidence
	<ul style="list-style-type: none"> ■ The Act allows conditions to be imposed on licenses, capacity limits to be imposed to prevent overcrowding and special permissions to be obtained before including pyrotechnics in live performances. ■ The consequences of failing to assure public safety would at worst include fatalities. <p><i>Public nuisance</i></p> <ul style="list-style-type: none"> ■ Issues relating to public nuisance arise primarily for those living or conducting business in the vicinity of licensed premises. ■ The Act allows conditions to be imposed on licences which, for example, require “sound limiters” to be attached to amplifiers and hours to be limited so as to reduce or control the impact. ■ Public nuisance includes, for example, noise nuisance, light pollution and litter. <p><i>Protection of children</i></p> <ul style="list-style-type: none"> ■ Ensuring the protection of children from harm arises from the powers in the Act: <ul style="list-style-type: none"> – powers are used to restrict or prohibit the presence of children at various types of licensed premises, for example, premises where entertainment is provided with a degree of adult (eg sexual) content; – to enforce offences relating to the sale of alcohol to children and the purchase or attempted purchase of it by them; and – to enforce film classification age limits. 	
Extent of harm/risk	<p>Approximately 230,000 businesses, members’ clubs, organisations and individuals hold premises licences or club premises certificates authorising one or more of the activities described above; about 300,000 individuals hold personal licences permitting them to authorise sales of alcohol; and Department for Culture, Media and Sport (DCMS) estimate that about 100,000 temporary event notices authorising the activities described for short periods have been given in the first twelve months since the Act became operational.</p> <p><i>Crime and disorder</i></p> <ul style="list-style-type: none"> ■ According to the British Crime Survey, 1 in 5 violent incidents were found to occur in or around public houses. ■ Alcohol-related crime impacts on the whole community, through both increased anti social behaviour and the fear of crime – 61 per cent of the population perceive alcohol-related violence as worsening. ■ A study in Scotland found that 63 per cent of young offenders in one institution were intoxicated at the time of their offence, as were 80 per cent of offenders found guilty of breaches of the peace and 88 per cent found guilty of causing criminal damage. <p><i>Public safety</i></p> <ul style="list-style-type: none"> ■ The risks associated with licensable activities vary from low to high from premise to premise and are affected by issues such as capacity, professional standards and quality of the management. 	DC

Policy Area	Alcohol, entertainment and late night refreshment licensing and its enforcement	Source of evidence
	<p><i>Public nuisance</i></p> <ul style="list-style-type: none"> A quarter of the population consider drunk or rowdy behaviour a very or fairly big problem in their local area¹, with a medium risk with moderate effect impacting on a moderate number of people living close to licensed premises. <p><i>Protection of children</i></p> <ul style="list-style-type: none"> Under-age drinking is prevalent 56 per cent of all 10 to 17-year-olds reported having an alcoholic drink in the previous 12 months, 13 children a day are admitted to hospital as a result of alcohol <p><i>Cost to the economy</i></p> <ul style="list-style-type: none"> The Alcohol Harm Reduction Strategy estimated that the cost of alcohol harm to the economy is up to £20 billion, including £7.3 billion in terms of crime and disorder; £1.7 billion to health; and £6.4 billion to the workplace (for example, up to 17 million working days are lost each year through alcohol-related absence). Up to 35 per cent of all accident and emergency attendance and ambulance costs (circa £0.5 billion) are estimated to be alcohol-related. A study commissioned for the Interim Analytical Report showed that alcohol places a very significant burden on NHS A&E departments at peak times, with 41 per cent of all attendees being positive for alcohol consumption. Although the Licensing Act 2003 does not aim to promote public health it is part of a wider range of policies and initiatives which do aim to impact public health issues and reduce wider aspects of alcohol harm. The Alcohol Harm Reduction Strategy estimated that there was an annual expenditure of £95m on specialist alcohol treatment; over 30,000 hospital admissions for alcohol dependence syndrome; up to 22,000 premature deaths per annum; Alcohol-related liver disease (cirrhosis) now becoming apparent in younger (20's to 30's) men and women.² <p><i>Issues relating to evidence</i></p> <p>Much of the evidence relates to alcohol misuse and harm, but there is a limit as to how effective licensing laws are, as alcohol is purchased and drunk away from licensed premises.</p>	
Geographical spread of issue	<ul style="list-style-type: none"> Alcohol-related crime impacts on the whole community. Almost 100 per cent of the population, including children, attend events involving regulated entertainment at various times. 	LAE DC

¹ Home Office, 2000, British Crime Survey 1998/2000, Home Office, London

² Gilmore I, 2006, president of the Royal College of Physicians and Chairman of RC's Alcohol Committee, commenting on report of liver cirrhosis mortality rates by Leon and McCambridge, published in *The Lancet* Jan 2006

Policy Area	Alcohol, entertainment and late night refreshment licensing and its enforcement	Source of evidence
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ The Licensing Act 2003 regulates the sale by retail of alcohol; the supply of alcohol in members' clubs; the provision of regulated entertainment; and the provision of late night refreshment between 11.00pm and 5.00am. It became fully operational from 24 November 2005. ■ DCMS, with the Home Office and Department of Health, LACORS, individual local authorities, industry, Association of Chief Police Officers (ACPO) and individual police forces are currently evaluating the effectiveness and impact of the Act in relation to crime and disorder. A full evaluation will not be available before the autumn of 2007. ■ The Act does not include offences relating to the behaviour of individuals once they are away from licensed premises, but with regard to sales of alcohol, there is a cause and effect relationship. ■ If the Licensing Act 2003 is properly enforced (for example through visible, early evening multi agency enforcement activity), there is good reason to believe that violence and disorder on the streets should reduce and make the control of crowds late at night by the police easier. ■ Statutory guidance recommends that licensing authorities adopt a targeted approach to enforcement using local intelligence shared between all the local enforcement agencies. However some LAs may be engaging in routine inspection, objections and enforcement which does not reflect Hampton principles. ■ Based largely on anecdotal evidence from stakeholders, the early signs and early criminal statistics show a positive impact, with the Act appears to be having some beneficial impact on alcohol-related crime and disorder. ■ In the LAS survey 81 per cent of authorities who are responsible for alcohol, entertainment and late night refreshment licensing thought they were effective or fairly effective at enforcing this legislation. 53 per cent of authorities devoted either high or medium (i.e. above 10 per cent) of their resources to this. 	DC
Nature of LA activity and time devoted	<p>Licensing authorities approve</p> <ul style="list-style-type: none"> ■ premises licences and club premises certificates ■ Personal licences ■ Temporary event notices ■ Closures. <p><i>Premises licences and club premises certificates</i></p> <p>Local authority regulatory services can initiate a review of the licence or certificate on ground relating to the four licensing objectives, and subsequently may amend the conditions attached to the licence, the hours of trading, or require the removal of current management, suspend or revoke the licence. Regulatory services can also enter premises to investigate licensing matters, unlicensed activity and breaches of licence conditions. Licensing offences range from breaches of conditions to allowing disorder on the premises. DCMS estimates that there were about 500 licence reviews in the first year of the new regime. Most would have resulted in changes to conditions or hours, but around 100 premises have had their licences revoked. Revocation will be a variety of reasons, including concerns about crime and disorder including alcohol sales to under-18s or serious criminal activity such as drug dealing.</p>	LAS LAE

Policy Area	Alcohol, entertainment and late night refreshment licensing and its enforcement	Source of evidence
	<p><i>Personal licences</i> Individuals aged 18 or over may apply for a personal licence which allows the individual to authorise sales of alcohol. Applications are made to the licensing authority where the individual is resident, who have powers to refer to the police, who may object.</p> <p><i>Temporary event notices</i> Temporary event notices (“TENS”) are given (not applied for) under the Act. The role of the licensing authority (licensing officers) is primarily to check numbers against the limits. If the relevant numbers would be exceeded, they must issue a counter-notice.</p> <p><i>Closures</i> These powers are mainly reserved for the police. However, when the Licensing Act 2003 came into operation, effect was given to powers in the Anti-Social Behaviour Act 2003 which empower Environmental Health Practitioners to close down instantly premises causing public nuisance resulting from noise emanating from the premises.</p>	
Views of citizens	<ul style="list-style-type: none"> ■ From the citizen research it is apparent that whilst citizens felt their quality of life would benefit with relaxation of licensing laws (surrounding restriction of hours) they were aware of the social problem caused by binge drinking and the consequences to their environment (noise, violence and crime etc). However, although this aspect was seems as important it did not come out as a top five priority from the citizen discussion groups. ■ DCMS evidence during the period of transition between February and November 2005 suggest that local residents and residents’ groups attach considerable importance to the control of licensed premises and their hours of operation. 	CDG DC
Views of business	<ul style="list-style-type: none"> ■ Identified as a top five priority by organisations involved in the on and off licence trades (including the Wines and Spirits Trade Association (WSTA), Federation of Small Businesses (FSB) and British Beer and Pubs Association (BBPA). ■ The legislation came fully into force at the end of November 2005 and as such is a new responsibility for local authorities, leading to uncertainties as to how it will bed down in practice. ■ It may well soon become business as usual activity for the licensed trade and local authorities alike. ■ The organisations which supported it as a priority felt that it should be accompanied by greater co-ordination and consistency of enforcement across local authorities and that this might lead to less enforcement visits as a result. 	BDG
Views of local authorities	<ul style="list-style-type: none"> ■ Alcohol licensing was a significant local priority for single-tier authorities, with 82 per cent surveyed voting for the area to be a priority for their local authority, and over half selected alcohol licensing as their first or second priority. When ranked against other local priorities, alcohol licensing emerged as the second most significant local priority for single-tier authorities. District councils gave alcohol licensing slightly less importance, with 45 per cent voting for the policy area as a local priority, it emerges as their joint fifth local priority. 	LAS

Summary case: Animal and public health, animal movements and identification

- Extent of harm is severe, not only in risk but in actual cases in last decade
- £8 billion costs due to the foot and mouth outbreak
- Over 0.1 per cent of UK GDP total resource costs to the economy due to the BSE crisis
- Circa £1.5 billion total public expenditure costs in the first year for industry compensation payments
- £3.9 billion costs due to the disposal of 8.5 million cattle aged over 30 months
- £600 million costs per year due to the BSE crisis as a result of a ban of beef exports for over 10 years
- Damage to local communities and social networks
- Requires local authorities to carry out co-ordinated action to be effective
- Existing delivery is fragmented undermining the control system
- Citizens identified area as a priority

Policy Area	Animal and public health, animal movements and identification	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ To minimise the risk to human and animal health of any outbreak of endemic and exotic animal disease. 	
Description of harm prevented/dealt with by policy area	<ul style="list-style-type: none"> ■ Outbreaks of animal disease, with the possibility of affecting human health. This can affect the agricultural economy and other sectors such as food production and tourism. ■ Consumer confidence in the safety of food can be damaged, impacting severely on the market. ■ Examples include the outbreak of foot and mouth, BSE and avian influenza. ■ Animal feed contaminated with chemicals could get into the food chain and affect human health. ■ More widely, cases of animal disease outbreak can have devastating effects on communities. For instance the report on foot and mouth disease stated that “in many areas affected, the social structure and sense of community were severely damaged. There was often little social contact as many were confined and unable to go about their usual life.” 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Enforcement of the regulatory regime in this area is aimed at preventing high levels of risk. ■ The foot and mouth outbreak in 2001 severely impacted markets and communities. <p>BSE crisis:</p> <ul style="list-style-type: none"> ■ Resulted in a ban of beef for over 10 years (costing £600 million a year). ■ The disposal of 8.5 million cattle aged over 30 months costs £3.9 billion. ■ Damage to local communities and social networks. ■ Damage to markets and economies. 	DC Phillips BSE

Policy Area	Animal and public health, animal movements and identification	Source of evidence
	<p>In 1996 the immediate impact was:</p> <ul style="list-style-type: none"> ■ Total resource costs to the economy in the first 12 months following the crisis of £740m to £980m, amounting to just over 0.1 per cent of UK GDP. ■ Total public expenditure costs of roughly £1,500m in the first year, a large proportion of which was transfer payments from the taxpayer to the industry in compensation for loss of output and income. ■ Net job losses (job losses in the beef sector – job gains in other meat sectors) of no more than 1,000 by April 1997, which were limited by the support measures introduced. <p>Foot and Mouth</p> <p>Outbreak estimated to have cost £8 billion, £3 billion to the public sector and £4 billion to the private sector. £1.4 billion was to compensate farmers, £1.3 billion for goods and services to eradicate the disease (NAO 01/02).</p> <p>Foot and mouth also had impacts on business and employment:</p> <ul style="list-style-type: none"> ■ 45 per cent of negatively affected businesses had reduced their staffing levels as a consequence of foot and mouth disease (FMD), most frequently by reducing the hours which staff worked; ■ Businesses in Eden and those in the manufacturing, hotels and restaurants, transport and communications and other services sectors are most likely to have reduced their staffing levels. ■ FMD in the areas surveyed has resulted in: the loss of an estimated 1,600 permanent jobs and 700 temporary jobs; the cancelled recruitment of 1,400 jobs; and reduced the hours of 1,400 employees. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ The evidence in these two big cases is robust. ■ Evidence on animal feed and parts of the delivery landscape not related to disease appears limited. 	<p>Inquiry</p> <p>Foot and Mouth on Defra website</p>
Geographical spread of issue	<ul style="list-style-type: none"> ■ Animal health issues affect rural and agricultural areas and ports. It is predominately a rural issue although animals may be moved across local authority boundaries. 	
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ The system of controls on animal health cover a whole system from importation and feedstuffs to animal movements and controls at consumer level. The system is complicated and involves a large number of agents to deliver the regulatory objectives. ■ Defra funded The Eves Review of the Animal Health and Welfare Delivery Landscape which found: <ul style="list-style-type: none"> “Widespread agreement among policy makers, delivery partners, stakeholders and customers that the animal health and welfare (AHW) delivery landscape is too complex and fragmented, and in need of reform. It is made up from a multiplicity of partners of various sizes and kinds, with different cultures, powers, and attitudes towards enforcement, under differing political pressures, located separately in numerous geographical locations. It is intended to work within an agreed national strategy for achieving defined policy outcomes, but is not capable in its present form of being managed as an entity, nor is it delivering consistent results efficiently or effectively.” 	<p>Defra-funded Eves Review</p>

Policy Area	Animal and public health, animal movements and identification	Source of evidence																												
	<ul style="list-style-type: none"> ■ Eves goes on to state: <p><i>“Within the delivery landscape the delivery system itself is not robust. There are problems of duplication and inconsistencies in inspection and enforcement that are troubling policy makers, enforcers and duty holders, and irritate duty holders and other customers for the services, none of whom feel empowered to correct the situation. Claims from enforcers that there is a common approach based on risk assessment which targets the worst performers have been made to me but I found no strong evidence to back these claims. For example, the data input to Animal Health and Welfare Management and Enforcement System (AMES) by local authorities about their inspection and enforcement activities paints a very mixed picture; the data is often incomplete, requiring considerable effort by the Delivery Partners Coordination Unit in checks and follow up action, particularly in accounting for the funding made available to LAs through the Framework Agreement. This is disappointing, as everyone I met wanted to see improvements in animal health and welfare and strongly supported the aims of the national Strategy. Defra policy makers lack confidence in the accuracy of the data held on AMES. It is hard to tell whether the effort going into this is giving good value for money.”</i></p> ■ This is an acute critique of the delivery system and regulatory regime in delivery animal health. ■ From the local authority events, it was clear that unless there was clear links with animal health problems in a locality, it was not seen as a priority. ■ The following table outlines the prosecutions taken in relation to animal health: <p>Prosecutions: 2005</p> <table border="1" data-bbox="954 434 1289 1859"> <thead> <tr> <th>Policy area</th> <th>Home Office Cautions issued</th> <th>Prosecutions initiated</th> <th>Convictions achieved</th> </tr> </thead> <tbody> <tr> <td>Animal By-Products</td> <td>29</td> <td>110</td> <td>42</td> </tr> <tr> <td>Biosecurity (including Animal Gatherings)</td> <td>9</td> <td>9</td> <td>0</td> </tr> <tr> <td>Cattle identification, movement and records</td> <td>28</td> <td>141</td> <td>35</td> </tr> <tr> <td>Sheep & Goat identification, movement and records</td> <td>25</td> <td>32</td> <td>7</td> </tr> <tr> <td>Pig identification, movement and records</td> <td>2</td> <td>9</td> <td>0</td> </tr> <tr> <td>Disease Control and Standing Regime Controls</td> <td>193</td> <td>55</td> <td>73</td> </tr> </tbody> </table> <ul style="list-style-type: none"> ■ The picture of activity carried out is of limited activity in of discrete areas of animal health, all of which would be vital parts of the control chain. ■ Ben Bradshaw confirmed in a meeting with Peter Rogers that <i>“the roles and responsibilities of local authorities and other bodies involved in regulatory and enforcement activities for animal health and welfare has been subject to a review by David Eves CB. He made a number of recommendations about the future role of local authorities. The Government intends to consult on this. As a consequence, the status of animal health as a national priority for local authorities should be kept under review.”</i> 	Policy area	Home Office Cautions issued	Prosecutions initiated	Convictions achieved	Animal By-Products	29	110	42	Biosecurity (including Animal Gatherings)	9	9	0	Cattle identification, movement and records	28	141	35	Sheep & Goat identification, movement and records	25	32	7	Pig identification, movement and records	2	9	0	Disease Control and Standing Regime Controls	193	55	73	<p>Defra, 2006, Return of expenditure incurred and prosecutions taken under the Animal Health Act 1981 and incidences of disease in imported animals for the year 2005, Defra</p>
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Policy Area	Animal and public health, animal movements and identification	Source of evidence
Nature of LA activity and time devoted	<p>LAs:</p> <ul style="list-style-type: none"> ■ Carry out risk-based inspections of farming premises (e.g. checks of movement records on farm), livestock markets and shows, slaughterhouses and roadside checks of vehicles transporting live animals. ■ Record movements of all farmed animals (except cattle which are monitored by the British Cattle Movement Service, and poultry). ■ Work with the State Veterinary Service (SVS) in some areas such e.g. animal by-products. ■ Respond to an outbreak of animal disease. They are involved in enforcement and the implementation of disease control strategies; for example, they erect road signs for publicising the Protection and Surveillance Zones around a premises where foot and mouth disease has been confirmed. ■ Respond to diseases like rabies which can have animal and human health implications. The most likely source of a rabies outbreak in this country is an illegally imported pet which may then transit the disease to pets, whose numbers are higher in urban areas. ■ Carry out risk-based inspections of feed business operators, including farmers. The risk-rating scheme applied to LAs is set out in a Code of Practice issued under the Official Feed and Food Control Regulations 2006. A copy of the Code can be accessed at http://www.food.gov.uk/enforcement/foodlaw/feedlawcop ■ Undertake sampling and analysis of feeding-stuffs to establish if products intended for use as feed for food producing animals comply with feed law, so ensuring that any animal or animal product entering the food chain is fit for human consumption. ■ Carry out inspections and sampling on all products of animal origin. All foods of animal origin imported from third countries must be pre-notified to and imported through the designated and approved Border Inspection Points, operated by local authorities and Port Health Authorities. Goods must be presented for documentary and identity checks, and a prescribed proportion are subject to physical checks. ■ The evidence on time spent by local authorities shows that whilst few authorities spend high proportions of time on animal health (only 3 per cent), that 24 per cent spent extremely low proportions of time, and the most common response was low proportions of time (42 per cent). ■ Local authorities mentioned that this was an area that they were either involved in (i.e. in more rural areas) or had little involvement. 	LAE DC
Views of citizens	<ul style="list-style-type: none"> ■ Participants mentioned the outbreak of BSE and feared that if there were to be no regulation regarding animal feed, then there would be a danger of a reoccurrence of this. They noted that there is not only the danger to animals' welfare to consider but the fact that disease may pass through food, to humans. Other similar concerns were scabies and foot and mouth. ■ Animal tracking was also considered to be important for public health, particularly with fears regarding Avian Flu. Likewise, the risk of rabies was also mentioned by participants. They stated that without comprehensive and enforced regulations on the risk of rabies entering the UK would increase. <i>"Things such as rabies, salmonella, foot and mouth, BSE mad cow. All these sort of things you actually need to be able to track the animals and so forth. So if it is infected, you know where it's been so that you can actually trace that back to some sort of source."</i> Male, 21-40, London 	CDG

Policy Area	Animal and public health, animal movements and identification	Source of evidence
	<ul style="list-style-type: none"> ■ Because of the potential risks and consequences involved, participants saw this as a high priority. Recent media coverage around Avian Flu had made them more attuned to these issues and thus they were keen that they were tackled appropriately. Given this, this regulation was often classed within the top five priorities for the future. 	
Views of business	<ul style="list-style-type: none"> ■ This was seen as a top five priority by many business organisations Confederation of British Industry (CBI), Food Law Group – Law Society, Food and Drink Federation (FDF), British Retail Consortium (BRC), Sainsbury's ■ There was a strongly held general view that the history of BSE and Foot and Mouth indicate that this remains a vital area where enforcement can make a difference. 	BSE
Views of local authorities	<ul style="list-style-type: none"> ■ The policy area was not selected as a significant local priority by single-tier authorities. Animal and public health received just 16 per cent of all votes, and remained in the bottom quartile when ranked against the other 24 policy areas the authority is responsible for enforcing. County councils however, voted it as their third most significant local priority, with 81 per cent of all county councils votes. 	LAS

Summary case: Approval of food manufacturing premises

- 8,000 approved premises
- Harm is food borne illness caused by microbiological contamination of food.
- Citizens and businesses believed that enforcement in this area was important.

Policy Area	Approval of food manufacturing premises	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ▪ To check that premises where food is to be made are safe and hygienic and issue approval document. 	DC
Description of harm prevented	<ul style="list-style-type: none"> ▪ The harm is food borne illnesses due to the microbiological contamination of food. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ▪ Approved premises are generally large and involved in wholesale supply to multiple retail chains. ▪ Where approved premises handle animal products, the operation carries a greater risk of food borne disease. ▪ On the other hand, many approved premises process a relatively small range of food items with little or no high risk activity or have well-controlled, highly automated systems. ▪ 8,000 premises have been approved. 	
Geographical spread of issue	<ul style="list-style-type: none"> ▪ Approved premises tend to be clustered around industrial estates, in either urban or rural areas. 	DC
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ▪ Approval is a once only process with no specific periodic re-approval but enforcement action can be taken by a Competent Authority where where premises are judged not to comply with the regulations. ▪ Our local authority survey found most authorities, 86 per cent, feel enforcement in relation to Approval of food manufacturing premises is effective in delivering significant benefits to society. Few, only 2 per cent, called it ineffective. 	LAE
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ▪ Local authorities carry out inspections and issue approval documents. ▪ Our local authority survey found that for Approval of food manufacturing premises 60 per cent of responsible authorities devote a high or medium proportion of resource. 	DC LAS
Views of citizens	<ul style="list-style-type: none"> ▪ As with animal welfare and licensing, this was seen to be of real importance to participants. Without regulation, they perceived that producers would seek to cut the costs incurred through compliance and, as a result, premises would be less hygienic. It is thought that, in turn, this would pose a real risk to public health and there may be greater instances of food poisoning. 	CDG

Policy Area	Approval of food manufacturing premises	Source of evidence
	<ul style="list-style-type: none"> ■ There were those of the opinion that producers would not want to run the risk of losing their reputation by producing potentially dangerous foodstuffs. ■ There was seen to be a need to have good enforcement here – simply to protect consumers from producers that do not have the expected commitment to quality. As such, it was seen to be a high priority for the majority of participants. Some classed it within their top five but, for most, it fell just outside of this bracket. 	
Views of business	<ul style="list-style-type: none"> ■ In the business discussion groups there was far less consensus and they tended to make choices based on their particular sector. Food safety was in their top 5 priorities. ■ Those businesses involved in mainstream UK food manufacturing identified this as a high priority. ■ They were concerned that if not done properly they would be exposed to competition from less well controlled operations and also that the reputation of food manufacturing could be adversely affected. ■ There was a general view that Approval of manufacturing premises was just one element of ensuring that food was safe and could be grouped with other policy heading under these areas. ■ This is an EU requirement and giving national priority should not make much difference although an increased level of activity might result in gold plating. 	BDG BSE
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority events indicated that Approval of manufacturing premises was in fact one of the lowest priorities for local authorities. ■ The results of the local authority survey showed that Approval of food manufacturing premises was not voted for widely as their priority. When asked where the authority should be concentrating resources, just 5 per cent of district authorities and 16 per cent of single-tier authorities voted for the policy area. No authority voted for it as their top priority, and when ranked against other priorities the area was in the bottom quartile for both district and single-tier authorities. 	LAE LAS

Summary case: Consumer credit (advertising, illegal money lending)

- **Credit advertising** – As much as £42 million consumer detriment per year
- **Illegal money lending** – Estimated savings of £3.3 million due to enforcement in Birmingham and Glasgow to in 2006
- The harm to consumers is economic and is concentrated in low income households and in the most deprived areas
- Businesses and citizens believed regulation of the credit industry was important, but did not see it as a priority

Policy Area	Consumer credit (advertising, illegal money lending)	Source of evidence
Aim of policy area	To ensure traders inform customers of their obligations and rights when taking credit, and that credit transactions are fair.	
Description of harm prevented	<p><i>Credit transactions</i></p> <ul style="list-style-type: none"> ■ To ensure that consumer credit relationships are fair, that consumers have clear information about the terms and conditions so that they can make informed choices. ■ To ensure that consumers get the information they need in order to compare the cost of different loan products. This ensures they are not misled as to the cost of the credit on offer (for example because no APR is stated or the stated APR is not typical), they are made aware that the loan will be secured and the consequences of taking on a secured loan. If not, this may lead them to make the wrong choice of credit product and increase the risk of over-indebtedness. ■ To prevent businesses operating without a consumer credit licence, cold calling to offer credit, false or misleading advertising and contravention of the regulations on the form and content of credit agreements. <p><i>Illegal money lending</i></p> <ul style="list-style-type: none"> ■ Illegal money lending affects the economic welfare of highly vulnerable victims from low income households and those in the most deprived areas. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Total lending to consumers in the UK is some £1.3 trillion, of which £320 billion is unsecured lending (http://www.statistics.gov.uk/statbase/tsdtimezone.asp). ■ There is risk of economic harm to consumers as there is significant non-compliance with advertising requirements. A UK wide regional sweep of consumer credit advertisements in 2006 examined a total of 3,708 adverts and 43 per cent (1,609) were found to be non-compliant. A high proportion of these advertisements were seriously non-compliant, for instance 42 per cent of non-compliant advertisements had no typical APR when required, which is a considered a serious breach. <p><i>Cost to economy:</i></p> <ul style="list-style-type: none"> ■ The Regulatory Impact Assessment for the Consumer Credit (Advertising) Regulations 2004 estimated that consumers could make savings in the region of £42 million a year as a result of the improvements to the advertising regime made by those regulations. 	DC

Policy Area	Consumer credit (advertising, illegal money lending)	Source of evidence
	<ul style="list-style-type: none"> ■ Two pilot projects in Birmingham and Glasgow uncovered illegal money lenders affecting 1,765 victims. It is estimated that the activities of the teams have saved an expected total of £3.3 million, which would otherwise have been diverted from the budgets of highly vulnerable victims. Illegal money lending is often associated with other forms of crime, as it is a way of recycling the profits of criminal activity, and often involves the use of threats and violence. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ The estimated costs to the economy are a rough approximation. The costs relate only to advertising and illegal lending. There will be additional, unquantified costs resulting from other abuses by licensed lenders. 	
Geographical spread of issue	<p><i>Credit transactions</i></p> <ul style="list-style-type: none"> ■ Consumer credit activities are not limited to any particular part of the country and non-compliant advertisements have been found to be spread across the UK. <p><i>Illegal money lending</i></p> <ul style="list-style-type: none"> ■ Although there is a low incidence of illegal lending compared to other European countries, approximately 165,000 households in the UK are estimated to use illegal money lenders. Illegal lending is estimated to affect 3 per cent of low income households and 6 per cent of households in the most deprived areas. ■ Half of the households that use illegal money lenders are in the poorest parts of the country, often concentrated in the most deprived urban housing estates. ■ According to the DTI Report on Illegal Lending in the UK Research Report in November 2006 concentrations of illegal lending occur in such small geographical areas that they need to be examined at very local levels. Concentrations of deprivation and, where it applies, credit exclusion and the high probability of illegal lending occur particularly in areas of Glasgow, Sheffield, Liverpool, Birmingham and the West Midlands and parts of London (http://www.dti.gov.uk/files/file35171.pdf). 	DC
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ Effective enforcement of consumer credit legislation is a key part of the Government's wider consumer and over-indebtedness strategy. <p><i>Credit advertising</i></p> <ul style="list-style-type: none"> ■ Local authorities carry out occasional sweeps of local press in newspapers and magazines as well as the internet to check the compliance of credit advertisements. ■ In 2005, and again in March/April 2006, regional campaigns to check compliance of credit advertisements were undertaken. The 2005 campaign found a non-compliance rate of 67 per cent but following TSS advice work this fell to 43 per cent in 2006 when 424 regional papers were reviewed by Trading Standards services. 	DC

Policy Area	Consumer credit (advertising, illegal money lending)	Source of evidence
	<ul style="list-style-type: none"> ■ In the period from 1 April 2005 to 31 March 2006 there were two prosecutions for advertising infringements. ■ In a sweep of 397 national newspaper advertisements conducted by the OFT in 2006, 65 per cent were found to be non-compliant. Of the non-compliant advertisements approximately 26 per cent were serious breaches. These included failing to include the typical APR when triggered, providing selected information to highlight aspects of the product available, not being easily legible and failing to include a risk warning. ■ Nine undertakings have so far been secured from traders under the Enterprise Act 2002 for advertising infringements during 2006/07. ■ The greater proportion of non-compliant advertisements in 2006 were dealt with by advisory letters or were referred to companies' Home Authority. By referring these issues to the Home Authority, it allows the local authority to discuss non-compliance and to make a singular informed decision as to the level of enforcement action required. ■ OFT will also refer non-compliant advertising to Trading Standards when appropriate but will liaise on all cases. <p><i>Credit transactions</i></p> <ul style="list-style-type: none"> ■ In the period 1 April 2005 to 31 March 2006 there were 14 prosecutions under consumer credit legislation. <p><i>Illegal money lending</i></p> <ul style="list-style-type: none"> ■ As a result of the pilot projects in Birmingham and Glasgow, 39 lenders have been arrested, there have been 5 convictions and a further 14 cases are currently in the prosecution process. ■ However, the pilots showed that successful enforcement is time and resource intensive and requires both significant funding and political support. Given the nature of the crime, the closed communities in which illegal lenders operate and the understandable reluctance of victims to report lenders or provide witness statements, there are also limits to what can be achieved. ■ Some illegal lenders are very difficult to identify, far less remove. Sufficient evidence to prosecute is often very hard to come by, given the fear instilled in victims and the problems associated with long term witness protection. It would seem that at least some illegal lending will not be amenable to even enhanced enforcement (DTI Report on Illegal Lending in the UK Research Report in November 2006). ■ Our local authority survey found two thirds (65 per cent) of authorities with the responsibility feel enforcement in relation to Consumer credit is effective in delivering significant benefits to society. Only 6 per cent called it 'very effective' in doing so, the lowest rating of any area, and a significant 14 per cent called it ineffective, making it the area most commonly felt to be ineffective. 	LAS
Nature of LA activity and time devoted	<p><i>Credit advertising</i></p> <ul style="list-style-type: none"> ■ Local authorities carry out occasional sweeps of local press in newspapers and magazines as well as the internet to check the compliance of credit advertisements. They provide advice to Home Authority companies and deal with complaints made. 	DC

Policy Area	Consumer credit (advertising, illegal money lending)	Source of evidence
	<p><i>Credit transactions</i></p> <ul style="list-style-type: none"> ■ Local authorities also act as the OFT's eyes and ears on the ground through their close proximity to licence holders and their knowledge of local traders in general. <p><i>Illegal money lending</i></p> <ul style="list-style-type: none"> ■ Under the Consumer Credit Act 1974, Local authorities are also responsible for taking action against unlicensed lenders. ■ The pilot projects in Birmingham and Glasgow were funded by the DTI. ■ The Government has announced further funding in December for the continuation of these projects and their extension into Sheffield, West Yorkshire and Liverpool in 2007/08. A further roll-out of the projects to every region of the country is anticipated in 2007/08. ■ Our local authority survey found that for Consumer credit 90 per cent of responsible authorities devote a low or extremely low proportion of their resources in this area. Only 6 per cent of respondents said they spent a medium proportion of time in this area. <p>Issues relating to evidence</p> <p><i>Credit advertising</i></p> <p>Local authority enforcement work in relation to credit advertisements is generally limited to occasional sweeps of local press media and the internet as well as Home Authority advice.</p> <p><i>Credit licensing</i></p> <ul style="list-style-type: none"> ■ The OFT rely on local authorities to collate information on lack of compliance by licensed traders to help determine the fitness of a trader to continue to hold a licence. But it is only the OFT that can revoke a trader's licence. <p><i>Illegal money lending</i></p> <ul style="list-style-type: none"> ■ Action against illegal money lenders is restricted to specially funded projects in specific areas. 	LAS
Views of citizens	<ul style="list-style-type: none"> ■ Research found that 84 per cent of the population consider the APR an important factor in choosing which credit to take, and from which lender (DTI Regulatory impact assessment for the reform of the regulations governing the advertising of consumer credit 2003 (MORI research conducted for DTI on consumer awareness of credit issues – September 2003). ■ Participants recognised that, with increasing levels of debt, regulations on this issue were becoming more and more important. It was thought that were they not to exist, or not be properly enforced, then there would be serious ramifications. 	DC CDG

Summary case: Contaminated land

- Over 400,000 sites which might be affected by contaminated land
- High levels of public concern, but the extent of harm is unknown
- The provisions to deal with the issue are perceived to be difficult to implement and are rarely used as other measures such as planning are easier to use

Policy Area	Contaminated land	Source of evidence
Aim of policy area	<p>The measures to deal with contaminated land help ensure that unacceptable risks to human health and the environment from harmful substances in, on or under land are identified and dealt with.</p>	DC
Description of harm prevented	<ul style="list-style-type: none"> ■ Contaminated land can in some cases cause death, injury, serious illness including cancer and reproductive disorder, in both the short and long term. ■ It can damage protected ecosystems, make farm produce un-marketable, damage buildings and underground services. ■ Water pollution from substances in land and soil can render the sources of public water supply unusable, or impose treatment costs, and prejudice other environmental quality standards. ■ Secondary impacts can include property blight, reduced property values, deterrence of investment and development, and legal and other uncertainty. ■ The problem of land contamination is widespread, but particularly prevalent in former industrial areas. Former industrial land and closed landfills that have been redeveloped for housing use in the 1950s to 1990s are a frequent source of concern. Any occupiers of land may be affected. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ There are an estimated 400,000 plus sites which by virtue of past or current use might be affected by contamination to some degree. BV 216 data for 2005/06 suggests a higher figure. ■ The Environment Agency estimates that some 5-20 per cent might require some form of action to ensure risks are minimised. Both actual and possible harm need action. It is rarely possible to attribute actual harm to human health to land condition, because effects like cancer may have several possible causes, while many effects are insidious and long term in nature. ■ There is much evidence of the widespread presence of harmful substances in land; while their potential to reach vulnerable receptors and to cause harm is demonstrated by science on an international basis and is the main basis for taking action when risks have been assessed and found to be unacceptable. However, there is little data on actual cases of harm or potential harm. ■ The risk assessment process means that each site where there is sufficient evidence of a possible problem, the land is evaluated for risk to human health and the environment arising from the condition of that site specifically. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Cases of actual harm to human health from land contamination are not recorded centrally and cannot be estimated. ■ Possible harm to human health is predicted using toxicology and exposure assessment. 	DC

Policy Area	Contaminated land	Source of evidence
Geographical spread of issue	<ul style="list-style-type: none"> ■ Widespread problem, but concentrated more heavily in industrial areas and urban areas. 	DC
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ Under Part 2A, enforcement is the stage after contaminated land has been formally identified, and takes one of three forms – a remediation declaration, a remediation statement, or (failing agreement by the liable party) a remediation notice (RN). ■ Over 500 sites have been formally determined (Jan 07 – all England LAs), of which about 190 sites so far have remediation requirements formally established (and at various stages of implementation). ■ RNs have so far been rare (5 reported to date). ■ Judging this regime solely on the basis of formal actions under Part 2A would be to miss its main thrust and purpose. Investigation and remedial action is frequently undertaken in order to avoid Part 2A regulatory action and/or quantify and manage liabilities. It is designed to encourage action without formal enforcement. ■ Comments about the difficulty of using the legislation and complexity in carrying out assessments, and practical problems in issuing RNs meant that anecdotally there appears to be a problem with implementation in local authorities. ■ The local authority survey confirmed this. This policy area had the highest rating for ineffectiveness of regulation (at 10 per cent). Only 20 per cent of authorities thought that the regulation was very effective. 	DC Defra website LAE LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ Local authorities inspect their area for “contaminated land”, and where it is found serve an RN (subject to the detailed rules in the regime). ■ The headline duty to serve an notice is subject to a series of detailed rules which, in particular, make an RN the last resort and not the normal way in which the regime is used. ■ This is a risk-based inspection and enforcement regime, and binding statutory guidance ensures that authorities take a systematic, risk-based, and prioritised approach to identification of sites presenting unacceptable risk. ■ Only 3 per cent of local authorities spent a high proportion of their time dealing with contaminated land as compared to 82 per cent who spent a low or extremely low proportion of their time. 	LAS LAS
Views of citizens	<ul style="list-style-type: none"> ■ Contaminated land scares are a regular feature of local media, particularly cases involving housing estates which often entail problems for sale of people's homes. ■ General awareness of land contamination is rising among citizens, particularly as it is frequently encountered as a potential issue during conveyancing. ■ Local authorities need to be able to deal effectively with this to help maintain confidence in, for example, housing built on former brownfield sites. 	DC

Policy Area	Contaminated land	Source of evidence
	<ul style="list-style-type: none"> ■ Evidence from the discussion groups. <i>“There was a strong sense that a lack of regulation here would result in some very serious consequences. In an absence of adequate record keeping or investigation, then planners would be able to build on contaminated land thus posing a serious risk to public health. In the same vein, such land could be farmed therefore increasing the risk of the contamination entering the human food chain. It was also thought that it would open the door for companies to dispose of waste in an irresponsible manner. This in turn could cause pollution and increase the risk of serious illness and disease. Participants were particularly worried that children’s health would be affected here.”</i> ■ In light of these possible consequences, there was a general consensus across the groups that this was a high priority and should be classed within the top five areas for enforcement going forward. ■ It was not only the seriousness of what could happen that led participants to think in this way but, furthermore, the fact that they perceived that they had very little individual power over this issue. As such, they felt they were in need of regulation here to protect them and others. 	CDG
Views of business	<ul style="list-style-type: none"> ■ This area was did not emerge as a priority from business discussion groups, trade association or individual company responses. ■ This is an area where we are aware of considerable inconsistencies across local government. 	BDG BSE
Views of local authorities	<ul style="list-style-type: none"> ■ 47 per cent of all single-tier authorities voted for Contaminated land as one of their 10 local priorities. ■ 21 per cent of all district councils voted for it as one of their priorities. ■ This policy area is likely to be more of a concern to some authorities that others, reflecting on the different local environment. ■ 88 per cent of single-tier authorities that identified this as a top ten priority were urban or mixed urban authorities and 83 per cent of counties or districts were urban or mixed and rural. ■ This area is predominately identified by urban/mixed areas as a priority. 	LAS

Summary case: Farmed animal welfare and licensing of premises for companion/other animals (welfare/breeding/safety)

- Little evidence on extent of harm
- Emotive area with high level of public concern but not identified as one of the five national priorities by citizens

Policy Area	Farmed animal welfare and licensing of premises for companion/other animals (welfare/breeding/safety)	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ Animal welfare legislation is designed to protect the welfare of farmed animals (such as cattle, sheep and goats) on farms, during transport (including export), and at markets. ■ There is also legislation to protect the welfare of companion animals, such as dogs and cats. 	DC
Description of harm prevented	<ul style="list-style-type: none"> ■ Ill-health, injury, death, and discomfort to animals. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ There is little evidence of extent of the problem. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Little evidence on extent and impact of poor animal welfare beyond the anecdotal. ■ During 2005, LAs in England and Wales reported that they had initiated a total of 591 prosecutions under animal health and welfare legislation and achieved 275 convictions. Enforcement action taken for infringements of animal welfare regulations tend to be advice oriented. ■ The RSPCA can bring private prosecutions under animal welfare legislation. It successfully brings between 750 and 1,000 prosecutions each year against people who have been found to have caused unnecessary suffering to animals. However, the RSPCA does not have legal licensing or right of entry powers. ■ LAs recorded some 86,000 enforcement activities on the AMES database during the three months July to September 2006. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Little evidence on extent of the problem other than actions related to complaints. 	DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ Animal welfare on farms, riding schools, etc is a more rural issue. ■ Companion animals are widely distributed throughout the country. 	DC
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ The licensing regime lays down requirements that farmers and pet shop owners must comply with in order to protect the welfare of the animals under their care. These requirements include things such as feeding, watering, and accommodation. ■ Actual cases of cruelty are dealt with mainly by the RSPCA. 	LAS

Policy Area	Farmed animal welfare and licensing of premises for companion/other animals (welfare/breeding/safety)	Source of evidence																
	<p>Formal enforcement actions under the Animal Health Act 1981 and other animal health & welfare legislation by Local Authorities in 2005</p> <table border="1" data-bbox="451 474 635 1827"> <thead> <tr> <th>Policy area</th> <th>Home Office Cautions Issued</th> <th>Prosecutions initiated</th> <th>Convictions achieved</th> </tr> </thead> <tbody> <tr> <td>Welfare on Farm (including Medicine Records)</td> <td>39</td> <td>147</td> <td>60</td> </tr> <tr> <td>Welfare during Transport</td> <td>27</td> <td>67</td> <td>53</td> </tr> <tr> <td>Welfare at Markets (and other places of sale)</td> <td>15</td> <td>21</td> <td>5</td> </tr> </tbody> </table> <p><i>Defra, 2006, Return of expenditure incurred and prosecutions taken under the Animal Health Act 1981 and incidences of disease in imported animals for the year 2005. Defra showed no prosecutions in relation to the welfare of companion animals were identified.</i></p>	Policy area	Home Office Cautions Issued	Prosecutions initiated	Convictions achieved	Welfare on Farm (including Medicine Records)	39	147	60	Welfare during Transport	27	67	53	Welfare at Markets (and other places of sale)	15	21	5	
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Welfare during Transport	27	67	53															
Welfare at Markets (and other places of sale)	15	21	5															
<p>Nature of LA activity and time devoted</p>	<ul style="list-style-type: none"> ■ Local authorities issue licences in order to ensure that certain premises and events with animals (such as pet shops and dog shows) use suitable premises with appropriate safety controls to safeguard high standards of animal welfare. ■ LAs issue licences to the following numbers of animal related activities – 4,500 pet shops, 5,000 animal boarding establishments, 4,900 dog breeding establishments, 2,000 riding establishments and 200 keepers of performing animals. ■ SVS staff provide statements, but legal proceedings are carried out by local authorities. ■ 81 per cent of local authorities spend a low or extremely low proportion of their time on animal welfare. 17 per cent of authorities spend no time or don't know what time is spent on the area. 	<p>LAE DC</p>																
<p>Views of citizens</p>	<ul style="list-style-type: none"> ■ An absence of regulation regarding animal welfare and licensing was seen to have very serious repercussions. ■ In the first instance, participants noted that there might be increased cruelty to animals; without regulation some, who perhaps might not otherwise be allowed to own animals and mistreat them. They believed this might happen on a small scale – such as with domestic pets – right through to livestock. ■ Aside from the welfare of animals themselves, many were concerned that a lack of regulation in this area would impact negatively on citizens as well. The treatment of livestock was a particular worry; participants believed if they were fed contaminated feed or maltreated then there would be an increased risk of foot and mouth disease, BSE, and so on. ■ Others believed there might be a greater occurrence of illegal breeding. This was seen to apply in particular in relation to dogs; participants said there were risks of dangerous dogs being bred. <p><i>'And this about animal welfare and licensing, you can see that from recent attacks in the media can't you, where people have been killed, where kids have been killed by dogs and stuff. That's a really essential one'</i></p> <p>Female, 21-40, London</p>	<p>CDG</p>																

Policy Area	Farmed animal welfare and licensing of premises for companion/other animals (welfare/breeding/safety)	Source of evidence
	<ul style="list-style-type: none"> ■ Finally, there were a few that thought that there might be an increase in old animal sports such as dog fighting which was believed to not only be dangerous but cruel as well. While a few placed this in their top five priorities, for many it slipped just outside of this bracket. 	
Views of business	<ul style="list-style-type: none"> ■ No business views on animal welfare were expressed in either the discussion groups or in the stakeholder events. ■ This area did not emerge as a priority from business focus groups, trade association or individual company responses. 	BDG BSE
Views of local authorities	<ul style="list-style-type: none"> ■ Farmed animal welfare only featured in rural or mixed authorities. Just 11 per cent of single-tier authorities and 37 per cent of county councils voted it as one of their local priorities. 	LAS

Summary case: Food standards (labelling)

- 149 labelling infringements in 2004/05
- Evidence on the extent of harm caused by mis-labelling is limited
- Many food labelling issues are dealt with through the Home Authority
- Citizens considered when compared to other areas it was not a priority
- Businesses considered that food labelling should be dealt with at source

Policy Area	Food standards (labelling)	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ To ensure food sold is properly labelled 	
Description of harm prevented/dealt with by policy area	<ul style="list-style-type: none"> ■ To ensure that consumers are informed about the nature and composition of food that it is not falsely described e.g. stewing steak described as fillet steak. ■ To ensure claims about the product are not misleading, e.g. a claim that a food is suitable for vegetarians when, in fact, it contains meat. ■ To ensure that substances which may be harmful to certain groups of consumers, e.g. allergens are clearly identified on the label. ■ Clear, understandable labelling can assist consumers in selecting a balanced and nutritious diet, which can in a small way help to tackle diet related disease and obesity. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ In 2004/05, 568,371 inspections were carried out but only 149 infringements concerning labelling and presentation were found, 64 failed due to their composition and 64 due to contamination other than microbiological. ■ Labelling problems were the most common defects detected. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Evidence on the harm caused by mis-labelled products appears to be limited. 	DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ Food labelling issues occur across the UK. 	DC
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ Food labelling enforcement is associated with other food standards work such as Home Authority work of food standards inspection work. ■ Our local authority survey found most authorities, 72 per cent, feel enforcement in relation to Food standards and labelling is effective in delivering significant benefits to society. Few, only 8 per cent, called it ineffective. 	DC LAS

Policy Area	Food standards (labelling)	Source of evidence
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ Most labelling issues are resolved through referral to the manufacturer or own label retailers to their Home Authority. ■ Planned food standards inspections to high risk premises. ■ In 04/05, 52 per cent of local authorities achieved all their high risk planned inspections, whilst 70 per cent achieved 90 per cent or more. ■ Our local authority survey found that for Food standards (labelling) 88 per cent of responsible authorities spend a medium to low proportion of resource here. 	DC
Views of citizens	<ul style="list-style-type: none"> ■ In the FSA's 2006 consumer attitude survey 89 per cent of consumers agreed with the statement 'healthy eating is important to me'. Also, clear and transparent food labelling was seen as a real consideration to a number of participants and, furthermore was believed to be something that was increasing in importance. ■ Bearing in mind concerns around obesity and ill-health more generally, participants were concerned that without regulation regarding food labelling, it would be harder for people to easily maintain a healthy diet and could potentially lead to excessive salt or fat consumption for example. <i>"We need regulation here because it's people's health isn't it?"</i> Male, 21 – 40, Manchester ■ Likewise, it was thought that without a need to accurately list ingredients, producers may put more E-numbers and other flavour enhancers into foods. It was believed that this may impact negatively on children's health in particular. ■ Finally, this was thought to be a real issue for those with serious food allergies. It was believed that were labels to be inaccurate then such people would face a real and increased risk of having an anaphylactic attack which could, at worse, lead to death. Likewise, those with other specific dietary requirements, for example Kosher or Halal, people would not know whether it was safe to eat the food they were provided with. <i>"You've got food labelling, people could have allergies to nuts, and diabetics wouldn't know what sugar contents there are. People that are allergic to various things. Without that there'd be chaos."</i> Male, 21-40, London ■ In spite of these consequences, food labelling was not placed in the top five priorities for enforcement. It should be noted that this was not because it was perceived to be unimportant, just that other issues discussed were deemed to be more crucial and, furthermore, impacted on a greater number of people. Food labelling wasn't in the bottom 5 either. 	DC CDG
Views of business	<ul style="list-style-type: none"> ■ Businesses believed there was a fast evolving need for enforceable standards around organic or fair trade claims, to maintain customer confidence. Their concerns were around proper labelling of allergens as they felt this has major health consequences. 	

Policy Area	Food standards (labelling)	Source of evidence
	<ul style="list-style-type: none"> ■ There was also a feeling that food labelling should be largely resolved on a national basis and at the point of production by the Home Authority. Routine label checks at retail level are not a good use of limited local authority resource nor a cost effective way of detecting non-compliance, especially in an era of mass produced and globally sourced food. ■ In the business discussion groups there was far less consensus and they tended to make choices based on their particular sector. Food labelling was not in their top 5 priorities and was not specifically highlighted amongst the participants when discussing the importance of food safety generally. 	BDG
Views of local authorities	<ul style="list-style-type: none"> ■ Local authorities indicated that Food labelling was not seen as one of their top priorities. ■ In the local authority survey, this policy area was not voted for as a significant priority by any county council or single-tier authority. This revealed that 59 per cent of all county councils selected the Food standards as one of their top 5 priorities, and 23 per cent of the single-tier authorities voted it as one of their top ten priorities. 	LAE LAS

Summary case: Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises

With respect to food borne illnesses which could be anticipated to have arisen from food businesses in 2005:

- 329 deaths (almost one death per day)
- 535,500 cases (1,467 cases per day)
- 12,133 hospitalisations (33 cases per day)
- £0.9 billion (£2.6 million a day) - economic costs including costs to the health care system
- Businesses and citizens considered it as a priority
- Local authorities carry out risk based, targeted inspections

Policy Area	Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises	Source of evidence														
Aim of policy area	<ul style="list-style-type: none"> ■ Ensure premises selling or making food follow hygiene regulations and that food within the premises is safe. 															
Description of harm prevented/dealt with by policy area	<ul style="list-style-type: none"> ■ Consumption of unsafe or unfit food can give rise to food borne illnesses, sometimes called food poisoning, which can lead to death or hospitalisation of individuals or groups of individuals. ■ Individuals can also suffer economic loss through loss of earnings/absence from work. ■ Food borne illnesses can cost industry through the provision of sick pay and replacement staff. ■ There are costs to local health resources in dealing with food borne illnesses. ■ The impact on local communities from outbreaks of food borne disease can also be very significant. The Report of the Pennington Group into the 1996 E coli O157 outbreak in central Scotland states; <ul style="list-style-type: none"> “The outbreak placed substantial pressure on local health resources.” ■ Similarly, the E coli O157 outbreak in South Wales in September 2005 had a huge impact on local residents. ■ The table below provides a breakdown of the origins of outbreaks from January 2000 – March 2005, indicating the vast majority originate in restaurants. <p>Origins of outbreaks January 2000-March 2005</p> <table border="1" data-bbox="1157 1041 1444 1825"> <tbody> <tr> <td>Total outbreaks</td> <td>327</td> </tr> <tr> <td>Restaurants</td> <td>138 42 per cent</td> </tr> <tr> <td>Retail</td> <td>25 8 per cent</td> </tr> <tr> <td>Hospitals</td> <td>9 3 per cent</td> </tr> <tr> <td>Residential Institutions</td> <td>28 9 per cent</td> </tr> <tr> <td>Hotel</td> <td>25 8 per cent</td> </tr> <tr> <td>Public House</td> <td>17 5 per cent</td> </tr> </tbody> </table>	Total outbreaks	327	Restaurants	138 42 per cent	Retail	25 8 per cent	Hospitals	9 3 per cent	Residential Institutions	28 9 per cent	Hotel	25 8 per cent	Public House	17 5 per cent	DC
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Extent of harm/risk	<ul style="list-style-type: none"> ■ It is estimated that in 2005 with respect to food borne illnesses which could be anticipated as arising from food business operations are around 70 per cent of the total, i.e. 535,500 cases of food borne diseases in 2005, 329 deaths and 12,133 hospitalisations. ■ The E coli O157 outbreak in central Scotland in 1996 resulted in 18 deaths had a devastating impact on this community. Similarly, the E coli O157 outbreak in South Wales in September 2005 led to the death of one school child and the hospitalisation of a number of others. ■ It is a legal requirement for business operators to notify the Food Standards Agency of any food incident. However, the FSA pick up evidence of recalls and withdrawals in press advertisements or at point of sale which have not been notified to them. ■ It is difficult to quantify the number of incidents which are not notified to the FSA. <p><i>Cost to economy:</i></p> <ul style="list-style-type: none"> ■ The total economic costs of food borne illness in 2005 was £1.05 billion of which 70 per cent could be due to cases arising from food businesses. This includes costs to the health care system including pain, grief and suffering and damage to business. 	DC																																							

Policy Area	Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises	Source of evidence
Views of citizens	<ul style="list-style-type: none"> ■ The FSA carry out their own regular consumer attitude surveys. In the latest survey 69 per cent polled expressed concerns about food safety. ■ 60 per cent of respondents reported concerns about food businesses, but 90 per cent said they didn't do anything about it. Of those that did take action, 90 per cent complained to the food business directly and only 10 per cent complained to the local authority. ■ Citizens saw this as a key area of importance. They felt that without regular inspections there was a possibility of food manufacturing and/or retailing premises to let their standards slip in an attempt to cut costs. This could lead to infestations by rodents and a greater likelihood of food poisoning. <i>"Food manufacturing premises, companies would cut corners to reduce costs possibly and we talked about the sort of, in terms of different companies wouldn't give a damn."</i> Male, 41+, London ■ However, as with other areas discussed, there was a feeling that companies would seek to self-regulate to some extent. They believed that they would not wish to ruin their reputation (and, in turn, revenue streams) by posing a threat to public health and thus would ensure that certain standards were met. ■ In spite of this though, because of the risks it posed, it was seen as a priority for regulation and enforcement. However, it often fell outside of their top five. 	<p>DC</p> <p>CDG</p>
Views of business	<ul style="list-style-type: none"> ■ A top five priority area in all business meetings, trade association and individual responses. ■ Businesses expressed the view that consumer safety was believed to be more important than economic loss. ■ Issues around safety and food safety in particular were seen to be of paramount importance for businesses. ■ This covered the regulations including animal feed and tracking (to protect public health), food hygiene and safety, approval of food manufacturing premises, imported food controls. 	<p>BSE</p>
Views of local authorities	<ul style="list-style-type: none"> ■ Local authorities indicated that this policy area was amongst their top priorities. ■ However, some felt that a lot of attention had been given to this area and perhaps could bear less attention. ■ There was a general feeling that inspection activity had been driven by inspection levels set by the FSA that were higher than local knowledge of businesses and risk assessments would in some cases suggest - reducing levels of resource for other areas of work. ■ Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises was voted as a local priority by 93 per cent of all single-tier authorities and 93 per cent of all district councils surveyed. ■ The survey revealed that 44 per cent and 52 per cent of the authorities respectively voted it as their number one priority. ■ The vast majority of authorities who are responsible for this policy area ranked it as one of their top priorities. ■ When ranked against other policy areas it was the number one priority for both single-tier and district councils. 	<p>LAE</p> <p>LAS</p>

Summary case: Imported food

- 4,806 samples taken, of which 19 per cent failed in 2004/05
- The extent of the harm in relation to products of non-animal origin is unclear
- 64 port health authorities – many rely on funding from local authorities
- Border controls through port health authorities at airports and ports variable
- Businesses recognised that the controls are best achieved at ports of entry
- There was no consensus amongst citizens as to whether it should be a priority or not

Policy Area	Imported food	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ Ensure imported food is safe, hygienic and its composition is correct. (N.B. This policy area excludes products of animal origin. Products of animal origin are covered by Animal and Public Health, animal movements and identification policy area). 	
Description of harm prevented	<ul style="list-style-type: none"> ■ To ensure that food which enters free circulation within the EU conforms to food safety and hygiene requirements, to protect public health. ■ To prevent serious human health problems. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Although there has been a considerable increase in activity over the past 4 years in the light of the Foot and Mouth outbreak, evidence of harm from foods of non animal origin appears to be limited. 	
Geographical spread of issue	<ul style="list-style-type: none"> ■ The controls at ports and airports are statutory and prescriptive. ■ Border controls are operated at 80 sea and airports on behalf of the whole of the UK, many of which are operated by separate statutory bodies. ■ Local authorities also have a role to play in surveillance of imported foods. 	DC
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ The Official Feed and Food Controls Regulations control certain high risk products of non-animal origin. ■ The remaining products are subject to checking on a risk basis with typically 10 per cent of shipments being checked at ports and airports. ■ In the 2004/05 imported food sampling and surveillance project 4,806 samples were taken with 19 per cent failing examination of analysis. Of the 912 adverse samples, 884 failed chemical analysis and the remaining 28 were microbiological failures. ■ Of the chemical failures 71 per cent (646) failed on labelling. ■ In total 446 labelling breaches were found ■ 238 samples failed chemical analysis for non-labelling offences. ■ Of these 52 products were removed from sale and destroyed after detection of Sudan dyes, aflatoxins, erucic acid or microbiological contamination. 	DC

Policy Area	Imported food	Source of evidence
	<ul style="list-style-type: none"> ■ When constituted many port health authorities were formed from a group of riparian local authorities and are funded by levies raised from these authorities. Some border controls are re-charged to importers, but many of the functions are funded locally, which may be difficult to justify where the perceived benefit is national or international. ■ Port health authorities have the power to detain foodstuffs whilst checks are carried out to ensure they are compliant. ■ Our local authority survey found just over half of authorities, 58 per cent, feel enforcement in relation to Imported food is effective in delivering significant benefits to society. ■ A high proportion, 31 per cent, were non-committal feeling it to be 'neither effective, nor ineffective' – perhaps reflecting the uneven distribution of demand in the area. 12 per cent called it ineffective. 	<p>Assoc of Port Health Authorities LAS</p>
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ The controls at ports and airports are statutory and prescribed under the Official Feed and Food Controls EC regulations. ■ Local authorities monitor imported foods as part of their general food safety function, whereas it is a core function of port health authorities' work. ■ In 2004/05 4,806 imported food samples were taken with 19 per cent failing examination or analysis. ■ In 2003/04 local authorities received £850,000 to carry out sampling and surveillance of imported foods. ■ Local businesses appear to rely heavily on Port Authorities and the FSA for information about which products can be imported and any restrictions that apply. ■ Our local authority survey found that 85 per cent of authorities responsible for imported food spend a low or extremely low proportion of resource on Imported food. However, 10 per cent of respondents spend a high or medium proportion of resource on this activity. 	<p>DC Assoc of Port Health Authorities LAS</p>
Views of citizens	<ul style="list-style-type: none"> ■ Participants were often very concerned about imported foods. As discussed earlier, there was a general perception that while producers in the UK rigidly adhered to quality standards – especially since the BSE crisis – compliance and enforcement was rather more inconsistent across the rest of the EU. As such, quality controls regarding imported food were seen to be critical. <i>With imported foods you just don't know. You just don't know whether it's safe or in date.</i> Female, 21 – 40, Manchester <i>Their food may have been treated differently to ours. We need to know whether it is safe.</i> Male, 21 – 40, Manchester ■ Without regulation here, participants believed that public health would be at risk. ■ While all participants saw this regulation as of prime importance, there was a lack of consensus as to whether it should be in the top five priorities or not. ■ Many believed it should be due to the potential risks associated, while others thought that issues over the environment more generally should take precedence as they were harder to control and impacted on a greater number of people. Imported food fell outside the top 5, however neither did it feature in the bottom 5. 	<p>DC CDG</p>

Policy Area	Imported food	Source of evidence
Views of business	<ul style="list-style-type: none"> ■ Identified as a top five priority. Businesses believed controls on imported foods should be directed to port of entry. This cannot therefore be a national priority across all local authorities, but could perhaps be a 'local priority' in the areas concerned. ■ However, some businesses felt that it is not necessary to separate imported foods and there is plainly significant cross over – businesses trading in imported foods are just as likely to have hygiene issues. ■ In the Food Standards Agency's 2004 survey of businesses 85 per cent of UK agents and importers thought that local authorities and port health authorities had a very good or fairly good knowledge of imported food controls. 86 per cent thought that local authorities were good at enforcing import controls. ■ In the business discussion groups there was far less consensus and the participants tended to make choices based on their particular sector. Food safety was in the top 5 but imported food was not specifically mentioned. 	<p>BSE</p> <p>DC</p> <p>BDG</p>
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority events indicated that imported food is not a priority for local authorities in general, but discussions with port health authorities indicate that they would put this area amongst their top 5. ■ 14 per cent of single-tier authorities surveyed voted for imported food to be one of their top 10 priorities, and not a single district council voted for this policy area. This reflects the unique nature of this policy area, which is the responsibility of some authorities, and not others, and often the joint responsibility of a combined number of priorities. 	<p>LAE</p> <p>LAS</p>

Summary case: Improving health in the workplace

- 560,000 overall cases per year of people experiencing an illness or ill-health condition caused or made worse by their work in LA-enforced sectors (4 per cent of workers)
- 147,000 new cases per year of work-related illness or ill-health in LA-enforced sectors (410 people per day)
- £1.5-£3 billion costs to society as a whole, including individual's costs from lost earnings, health care and incapacity benefits are likely to be 4 to 5 times higher
- Costs to society as a whole will be considerably higher. An approximate calculation by Review team is £3-7 billion
- £360-£610 million cost to employers of ill-health in the LA enforced sectors in 2001/02 alone

Policy Area	Improving health in the workplace	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ Reduce risks to employees of contracting or aggravating an illness or ill-health condition due to their work. Current focus areas, chosen on the basis of risk, are stress, musculo-skeletal disorders (includes back-pain) and chemical handling (e.g. for hairdressers). 	
Description of harm prevented	<ul style="list-style-type: none"> ■ Individuals experience ill-health and associated pain and distress, sometimes for a long time. ■ Individuals and their families experience economic loss due to lost earnings and extra costs associated with illness and absence from work. This can last for a long time if a long-term health condition is contracted. ■ Firms experience economic loss due to need to hire replacement staff and provide sick pay. There are also associated insurance and administration costs. ■ Society faces costs of health care provision and, in the case of people who become unable to work, benefits. There are also associated administration costs and costs of health and safety inspections. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ 147,000 new cases per year where people experience illness they believe was caused or made worse by work in the LA enforced sectors – 410 a day. ■ Around 560,000 overall cases per year of people experiencing illness they believe was caused or made worse by work in the LA enforced sectors – this means 4 per cent of these workers affected. ■ Cost to employers of ill-health was £360-£610 million in the LA enforced sectors in 2001/02 for that one year. ■ Costs to society as a whole, including individual's costs from lost earnings, distress, healthcare and incapacity benefits cannot be precisely calculated but will be many times higher. Approximate calculation by Review team is £3-7 billion. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Illness data is very/fairly reliable³. Sourced from the National Statistics Labour Force Survey, a large sample survey with small confidence intervals. Employees can be allocated to LA/HSE enforced sectors fairly accurately. ■ Cost data – margins indicate that the level of precision is wide. The methodology for producing costs arising from all illness/injury/other costs for all sectors was developed by the HSE economic advisors unit and has developed over iterations. This data is published. The same unit provided an LA-enforced sectors only breakdown. 	DC

³ Calculation by Review team, assumes ratio of employer costs is the same in LA enforced sectors across whole economy, taking these ratios from HSE publication at <http://www.hse.gov.uk/statistics/pdf/costs.pdf>.

Policy Area	Improving health in the workplace	Source of evidence
Geographical spread of issue	<ul style="list-style-type: none"> All local authorities are likely to contain business premises eligible for health and safety checks. 	LAE
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> Our local authority survey found 80 per cent of authorities responsible for enforcing this area believe enforcement is effective (31 per cent of which rate it as 'very effective'). Legal powers in this area are frequently used, with 5,510 notices issued in 2004/05 on any health and safety topic. 	LAE/LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> Health and safety inspectors usually have a group of businesses to oversee. They use a risk-assessment method to decide how often to make visits, and higher-risk firms receive more visits. The primary purpose of activity is to seek compliance. On visits an inspector will look at a range of issues, often relating to priority programmes where risk is known to be higher. If a problem is identified the inspector will assess the gap between the actual and ideal situation and act accordingly, and may not issue a formal notice requiring change if the transgression is small. Local authority inspectors with health and safety responsibility often also have other duties such as food-related inspection, and their visits may address more than one topic. Health and safety enforcement activity is joined-up, so statistics cannot separate the particular activity devoted to the 'improving health' remit of local authorities. In 2004/05, local authorities in England had an enforcement remit for 965,000 premises, employed 950 FTE inspectors with health and safety responsibility, made 198,000 visits, received 66,000 requests for service, served 5,510 notices and 'laid information' in 279 cases with an 89 per cent conviction rate. Our local authority survey found that just over half, 57 per cent, of responsible authorities spend a low proportion of resource (1-10 per cent) on this activity area. A few, 7 per cent, spend a high proportion of resource here and a third a medium proportion. Most authorities appear to have some premises needing attention as only 1 per cent said they devote little resource. 	DC LAS HSE website
Views of citizens	<ul style="list-style-type: none"> Our citizen's focus groups viewed health and safety at work as priority area for enforcement. They were conscious of risks from illness and stress and depression as well as injury. They also noted that impacts would extend beyond the sick person, to long-term costs of incapacity benefits and economic damage. As this is an area where people have limited ability to protect themselves, and many people are affected, it was viewed as a high priority. One citizen said; <i>In terms of improving health in the workplace and reducing ill health some employers would expect employees to carry out jobs without adequate protection.</i> Male, 41+, London 	CDG

Policy Area	Improving health in the workplace	Source of evidence
Views of business	<ul style="list-style-type: none"> ■ Business engagement found that key bodies like the CBI and British Chambers of Commerce feel this topic should be considered a top priority. They view protecting the health of the workforce and reducing sickness absence as positive for business. ■ Our business discussion groups identified health and safety in general as a key area. However the 'health' protection elements were viewed as somewhat less critical than protection from injury, as participants questioned how far local authorities could act to protect employees from stress in particular. 	<p>BSE</p> <p>BDG</p>
Views of local authorities	<ul style="list-style-type: none"> ■ At the local authority events, this health and safety priority area was frequently picked out as critical by participants. They talked about both the large numbers of people being protected, the potential severity of problems that could occur, and appeared to feel that their activities could materially support the outcome of keeping people safe. ■ The local authority survey revealed that 'improving health in the workplace' was voted as a local priority by 49 per cent of all single-tier councils and 51 per cent of all district authorities. District authorities in particular thought they should be concentrating their resources in this area, when ranked against the other policy areas it emerged as their fourth highest. 	<p>LAE</p> <p>LAS</p>

Summary case: Licensing of Houses in Multiple Occupation (HMOs) for amenity standards and management

- 39 per cent of local authorities reported significant problems with property conditions in HMOs and 32 per cent with management
- High risk HMOs house vulnerable citizens
- There is a higher risk of death from fire in such properties

Policy Area	Licensing of Houses in Multiple Occupation (HMOs) for amenity standards and management	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ Address poor management standards and living conditions in high risk houses in multiple occupation (HMOs), so that standards are improved for the benefit of the occupiers and the wider community. 	DC
Description of harm prevented	<p>Types of harm caused:</p> <ul style="list-style-type: none"> ■ Damage to health and welfare of HMO occupants – poor management can lead to higher risk of death or injury due to fire, overcrowding, inadequate/ unsuitable amenities, unsanitary conditions. ■ Badly managed HMOs can have adverse impacts on their surrounding neighbourhood. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Mandatory licensing applies to those HMOs that are three or more storeys and occupied by five or more persons (in two or more households). It is estimated that 100,000 HMOs will be subject to this form of statutory licensing⁴, but other sources estimate different numbers, with the Building Research Establishment putting this figure as high as 340,000⁵. It is estimated that there are approximately 640,000 HMOs⁶ in England. ■ Research carried out by the BRE in 2006 found that 39 per cent of local authorities experienced significant problems with property conditions in HMOs and 32 per cent with their management which licensing will address. ■ Risk assessment carried out by ENTEC, an environmental consultancy, for the CLG (formerly Department of the Environment, Transport and the Regions) on fire safety in HMOs concluded that in all houses converted into bedsits, the annual risk of death per person is 1 in 50,000 (six times higher than in comparable single occupancy houses). In the case of bedsit houses comprising three or more storeys the risk is 1 in 18,600 (sixteen times higher). The ENTEC report represents the only formal risk assessment available on HMOs. ■ According to research carried on behalf of the CLG by the Building Research Establishment the most likely groups to occupy HMOs are some of the most vulnerable in society. These include unemployed persons and students under the age of 30, asylum seekers, migrant workers and the homeless. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ The ENTEC report is widely used and reported. 	

⁴ Regulatory Impact Assessment on statutory Instruments to supplement the provisions in the Housing Act 2004 etc. - ODPM (February 2006)

⁵ Building Research Establishment – Baseline report on HMO licensing

⁶ English House Condition Survey 2001

Policy Area	Licensing of Houses in Multiple Occupation (HMOs) for amenity standards and management	Source of evidence
Geographical spread of issue	<ul style="list-style-type: none"> ■ HMOs are unevenly distributed throughout England, and tend to be concentrated in larger conurbations and university towns. ■ Precise data on location of higher-risk HMOs will become available after the licensing regime has been operating for some time. ■ Problems due to HMOs can be spread uniformly across a local authority area, but they can also be intense (particularly in relation to local communities) where there are high concentrations of HMOs in a particular locality of a city, such as student houses, or even when more widely distributed, in small to medium size towns, such as HMOs housing migrant workers. 	LAS
Effectiveness of existing legislation to deal with the policy issue Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ As HMO licensing is new, evidence is not available as to how far it can be linked to improved conditions. ■ Our local authority survey found that 26 per cent of authorities believe HMO licensing to be 'very effective' and 49 per cent 'fairly effective' in improving outcomes. This does not put it among the areas where activity is perceived to be most effective. ■ A number of local authorities made comments on HMO licensing: <ul style="list-style-type: none"> – 'Local priorities will quite rightly differ from national e.g. I haven't rated houses in multiple occupation highly locally as we have fewer than 10 in the district.' – One noted an increase in problem HMOs 'the trend for temp/migrant workers is such that the use of 3-bedroomed semi detached houses ... to house 12+ eastern Europeans; in overcrowded bunk-house conditions is increasing markedly (last 18-months)', however also commented that the statutory definition of HMOs requiring licensing does not cover such situations due to the 3 storey restriction. 	LAE/LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ The HMO licensing system started in April 2006. Local authorities must operate a licensing system for HMOs of three or more storeys with five or more residents in two or more households. They have the discretion to extend licensing to other categories of HMOs. ■ Licences are granted where the authority are satisfied the HMO is suitable for the maximum number of occupants stated on the licence, the licence-holder and any managers are 'fit and proper' persons and proposed management arrangements are satisfactory. They last for five years and a fee is charged, varying according to the authority. ■ Licences state the maximum number of occupants allowed and may also have conditions about management (including steps to deal with anti-social behaviour of occupants and visitors), condition of house, furnishings, amenities and requirements that works/actions are completed within set time. ■ Around a third of local authorities with the relevant responsibilities, said they devote over 10 per cent of their resources to this policy area. 	DC DCLG website (http://www.communities.gov.uk/index.asp?id=1163885) LAE/LAS
Views of citizens	<ul style="list-style-type: none"> ■ This area was thought to be of great importance. It was considered that without regulation, there would be a real risk of overcrowding which would, in turn, impact negatively on personal health. Participants spoke of how there might be a return to inner city slum conditions. Furthermore, they perceived that it would be the most vulnerable that would be at risk here; those recently arrived in the UK and the less affluent, for example. <i>it's everybody's basic requirement to live in a safe environment isn't it?</i> Male, 41+, Birmingham 	CDG

Policy Area	Licensing of Houses in Multiple Occupation (HMOs) for amenity standards and management	Source of evidence
	<ul style="list-style-type: none"> ■ However, in spite of the potential consequences, it was not classed within the top five priorities by participants. This was not because it was not seen as a problem; the associated risks were enough to highlight that they believed this to be the case. It was due to other areas discussed that were believed to pose a greater danger to public health and, thus, were chosen over this. 	
Views of business	<ul style="list-style-type: none"> ■ Our business discussion groups did not focus on housing related regulation as a key business issue. ■ However, the Federation of Small Businesses supported prioritisation of this issue, on the basis that there was a need to address inconsistencies rather than there being a real need to devote more resource to it. 	BDG BSE
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority survey revealed that 40 per cent of single-tier authorities and 18 per cent of district authorities chose licensing of houses in multiple occupation as a local priority. This puts it mid-table for single-tier and bottom quartile for district councils. 	LAS

Summary case: Local environmental quality

- Harm is related to general perception of neglect and blight
- Enforcement is only a small part of the measures to tackle the problem
- There are questions surrounding effectiveness of tools
- The problem is geographically spread, with urban areas being most affected
- Identified as a priority by citizen focus groups

Policy Area	Local environmental quality	Source of evidence
<p>Aim of policy area</p>	<ul style="list-style-type: none"> ■ The quality of the local environment is in part defined by the presence or otherwise of: Litter, Fly-tipping, Abandoned vehicles, Graffiti, Fly posting, Dog fouling. ■ This policy area seeks to reduce these issues and to enable the punishment of those that might commit "environmental crimes". 	<p>DC</p>
<p>Description of harm prevented</p>	<ul style="list-style-type: none"> ■ Fly-tipping incidents can range from a single black bin-bag being dumped into the street, to large dumps of mixed types of waste or construction and demolition waste being dumped in lay-bys, rivers and the countryside. ■ Defra claim that there is increasing evidence of the emergence of criminal gangs becoming involved in illegal waste disposal. ■ As well as affecting the amenity of an area, some dumps can seriously pollute the environment and, in cases, where the waste is hazardous, affect human health. ■ Offenders range from individual householders, through to businesses making large profits from offering to take people's waste away for a fee and who proceed to dump it. ■ All of the local environmental quality issues, where concentrated (together or alone), can and do cause extensive blight, and at its worst it can lead to a profound feeling of neglect within a community. ■ Dog fouling contributes to, and results from, neglect. It is also linked to health impacts. ■ Abandoned vehicles have a negative impact on the environment, look unsightly and can impact on the quality of life of the communities where they are found. They can quickly become dangerous when vandalised or filled with hazardous waste. There is a risk of explosion or injury, as they can leak dangerous fluids and they are often burnt out, which can endanger lives, property and the environment. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Harm arising from Local environmental quality is general dis-amenity and feelings of neglect about local environment. This impacts on how citizens perceive their local environment and how they feel about where they live. 	<p>DC</p>

Policy Area	Local environmental quality	Source of evidence
Extent of harm/risk	<ul style="list-style-type: none"> ■ There is little/ no quantification of the extent of the impact of these issues on dis-amenity. ■ The RIA for The Clean Neighbourhoods and Environment Act 2005 did not identify or quantify any impact. ■ Direct harm: Toxicariasis from dog faeces is estimated to affect 16,000 UK residents a year. It causes 50 cases of serious eye infections per year, with young children most at risk. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ No evidence on fly-tipping and direct harm. Local authorities spend £50 million on cleaning fly-tipping (but no evidence is presented on the impact of enforcement on this figure). ■ Little evidence of direct harm. 	RIA CNEA DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ Litter and graffiti it is often most acute in the deprived communities. ■ Information in this area is provided, largely, by looking at the Best Value Performance Indicator (BVPI) 199a, the cleanliness indicator; returns are provided by all English authorities. ■ Over the next 18 months Defra will be providing every local authority in England with its own "local environmental quality survey", an independent survey that will detail levels of litter, and other local environmental quality indicators and issues. ■ Data from Fly-capture, the national fly-tipping database, show that 86 per cent of fly-tipping takes place in urban areas, where 63 per cent of the population in England live; and more than half of all fly-tipping happens in the local authority districts containing the 88 most deprived wards. ■ Abandoned vehicles are found in a disproportionate number in areas in receipt of Neighbourhood Renewal Funding. The 88 local authorities in receipt of this funding removed nearly 50 per cent (61,617) of the total number of abandoned vehicles (126,104). 	LAS
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ There are questions as to the effectiveness of these measures on the ground. In the local authority sector, local authorities place these controls in the bottom quartile of effectiveness of all of the policy areas. ■ Issues were raised about the difficulty of catching individual perpetrators, and the effectiveness of the controls. This does not mean that local authorities did not feel that the activity was important – in making communities feel better maybe more than dealing with the root problems. 	LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ The payment rate for all fixed penalty notices in 2005/06 was 57 per cent, up from 53 per cent in the previous year. Defra, through guidance and training is seeking to improve this further. ■ In 2005/06, 6 per cent of all cases where a fixed penalty notice was issued, which then went unpaid, ended with prosecution for the original offence in the magistrates' court. ■ It is estimated that across the country some 2.26 million pieces of litter are dropped per day which is around 825 million per year. This implies that English councils issue fines to only a tiny proportion (0.0023 per cent) of the total offences committed. 	DC

Policy Area	Local environmental quality	Source of evidence
	<ul style="list-style-type: none"> ■ As the evidence suggests that the probability of being caught is the biggest deterrent to offending, then the figures above suggest that in the absence of a significant further roll-out of environmental FPNs (especially for low-level offences such as littering and dog fouling), there will be little deterrent for people to stop offending. ■ There is a perception by some local authorities that the current process and net cost of enforcing payment of environmental FPNs through the magistrates' courts is high, dissuading many from issuing in the first place. This could partly explain why so few low-level environmental offences are actually punished. ■ Although considered important by local authorities, many questioned the usefulness of trying to prosecute individual offenders in making a real difference to local environmental quality. ■ New powers for LAs to use against fly-tipping have only been in force in the main since April 2005 with the use of fixed penalty notices for waste offences since April 2006. Use of the powers will continue to be monitored through the Flycapture database. 	LAE DC
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ Highways authorities have a duty to clear-up fly-tips from highways (Highways Act 1982) and LAs have a duty to keep their land clear of litter and refuse. ■ LAs have powers to investigate incidents, request further information, take witness statements and samples etc and they are getting better at catching offenders and dealing with them. ■ Numbers of prosecutions have been steadily increasing since the turn of the century. ■ Some LAs also use techniques like CCTV to catch offenders and many are now involved in joint-working with local police, local businesses and other agencies like the Fire Services (many fly-tips are fire risks) and Trading Standards. ■ The Government is now encouraging LAs to develop better prevention strategies through e.g. educating and informing local residents and businesses, and better data sharing but progress with this is still at an early stage. ■ <i>The Clean Neighbourhoods and Environment Act 2005 (CNEA 2005)</i> has amended many of the above powers, and others and introduced new measures to extend the reach of the original provisions so as to make enforcement against those that might commit offences or fail to comply with any requirements more effective. At the forefront of this are greater powers for local authorities to issue fixed penalty notices for a range of the offences, to allow for greater, and more targeted use, of the powers, so as to reduce the amount of litter on the streets. ■ In 2005/06, 33,033 litter fixed penalty notices were issued, 4,066 for dog fouling, 47 for graffiti and 883 for fly posting. ■ In the same year 55 per cent of local authorities issued fixed penalty notices for one or more of the above offences. ■ In addition to this, there are those cases where fixed penalty notices are not used and prosecution is taken straight to the magistrates' court – there is no published data on the number of prosecutions in the magistrates' court. ■ 10 per cent of local authorities say that they spend a large proportion of their time acting on LEQ, 33 per cent medium proportion whilst 44 per cent spend low or extremely low proportions of time. 	LAE DC LAS

Policy Area	Local environmental quality	Source of evidence
Views of citizens	<ul style="list-style-type: none"> ■ Qualitatively, when citizens are asked about what would most improve where they lived, litter often comes out near the top of the list. In a recent survey of Londoners, litter was fourth on the list behind crime and public transport issues. ■ Rules about the local environment were considered very important by participants in focus groups. Were there to be none, they believed that their communities would be blighted by graffiti, fly-tipping and littering. It was thought that this would have a number of negative consequences. In the first instance, their local area would be a much less pleasant place to live and this would not only impact on their quality of life but could affect house prices. Participants strongly believed there was a positive correlation between the physical state and appearance of an area and the behaviour of those within it. They expressed the view that areas that were not well kept were more likely to be prone to anti-social behaviour; people would not have any respect for their local environment and therefore would feel few qualms about making it worse. ■ Regulation was seen as a priority for enforcement and was typically selected as one of the top five areas. 	DC CDG
Views of business	<ul style="list-style-type: none"> ■ There was a strongly held view by retail and small businesses interests that achieving high standards in this area was a positive contributing factor to doing business. ■ That this could be a particularly serious issue in retail areas adjacent to town centres was highlighted. 	BDG BSE
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority survey revealed this policy area to be a significant local priority for many Single tier and district authorities. ■ 68 per cent of all single tier authorities voted for the area as a top ten priority, of which 16 per cent voted it as their number one priority. ■ 52 per cent of all district councils voted is as a local priority, and 22 per cent of all districts surveyed voted it as their number one local priority. ■ When ranked against other policy areas LEQ was in the top 5 local priorities for single tier councils, and top 3 in district councils. ■ At a local level, there is clearly a strong case for this policy to be a priority in areas with problems. Out of all of the single tier authorities who rated in their top ten, 97.5 per cent were in urban or mixed urban areas, only 2.5 per cent were rural. This appears to be a predominately urban concern. 	LAS

Summary case: Misleading prices

- 12.9 million pricing complaints per year - approximately 15 per cent of UK consumer complaints
- The potential harm from misleading pricing is economic loss to citizens and distortion to competition in the market place
- Misleading pricing didn't appear a top priority area for local authorities, citizens or business

Policy Area	Misleading prices	Source of evidence
<p>Aim of policy area</p> <p>Description of harm prevented</p>	<ul style="list-style-type: none"> ■ Ensure traders do not mislead consumers as to the price of goods, services or accommodation. ■ The impact of misleading price indications on consumers is economic. ■ Where consumers do not have clear, accurate information about the price of goods, services or accommodation, they may commit to purchases they would not otherwise have made. ■ Specific regulations cover provision of exchange rate information, showing the face value of tickets on resale and making clear when the price differs depending on payment method. ■ Ensures that there is not unfair competition between traders on price in the retail market place. ■ Examples of issues which have arisen include: <ul style="list-style-type: none"> – practice of some airlines and holiday companies advertising headline prices that exclude fixed, non-optional costs such as taxes and fuel supplements. – Retail outlets advertising prices continuously as reduced and instances where prices charged at the checkout are different from those advertised on the shelf edge. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Estimated annual level of consumer detriment in the UK is in the region of £8.3 billion (OFT Consumer Detriment report – February 2000). ■ Problems involving unfair selling techniques, misleading claims and misinformation accounted for 15 per cent of estimated annual UK total consumer complaints and concerns of 85.8 million. ■ 11 per cent of all enterprises in the UK are retailers, with 183,830 VAT-registered businesses operating 279,265 retail outlets. UK retail sales were £249 billion in 2005. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Due to lack of precision in available data it is not possible to pin down the actual cost to consumers with any certainty nor losses caused to legitimate business. But these are likely to be greater rather than less than any actual estimates, as the very nature of an effective misleading pricing tactic could leave consumers unaware that they have been misled, and therefore unable to draw attention to their loss. 	OFT

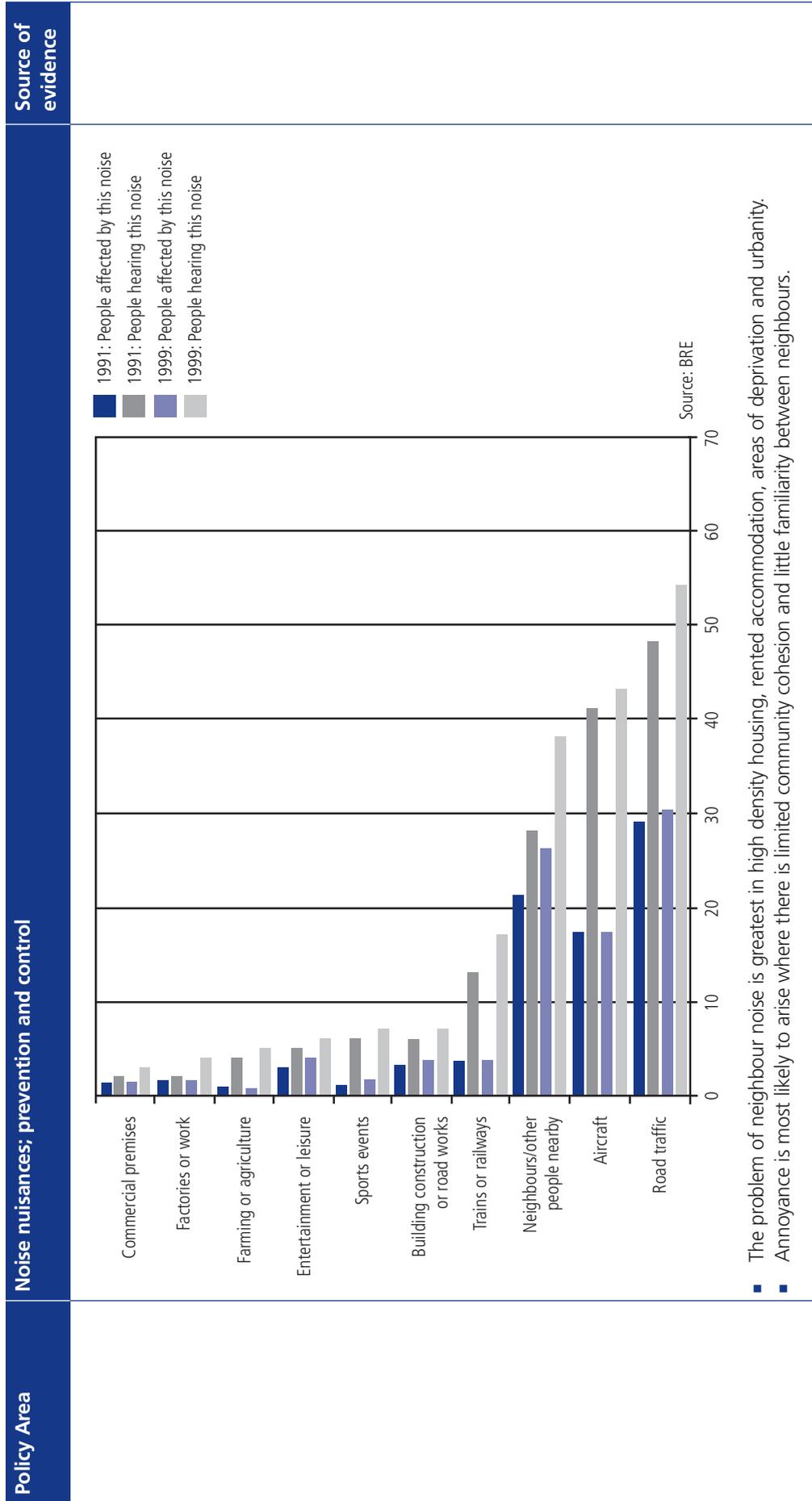
Policy Area	Misleading prices	Source of evidence
Views of business	<ul style="list-style-type: none"> ■ There was a strong general view from retail businesses and trade associations that the market place would deal with businesses not treating their customers fairly. ■ The British Hardware Federation representing smaller and local hardware retailing expressed concerns of its members that the discount price claims of some national chains needed closer supervision. 	BDG BSE
Views of local authorities	<ul style="list-style-type: none"> ■ Misleading pricing was generally seen as a low priority area where enforcement would be reactive following customer complaints. ■ Misleading prices was the lowest ranked policy area for single-tier authorities, receiving just 7 per cent of all their votes for the policy area to be a local priority. Within the remit of county councils, the policy area was not selected as their priority. 	LAE LAS

Summary case: Noise nuisances; prevention and control

- 900 complaints per day in England
- Major impact is annoyance and negative impact on well-being
- Related to general feeling about locality
- Large geographical variation in complaint loads
- Effectiveness reasonable as local authority responds to an individual's complaint – whether the complaint is satisfied is unknown

Policy Area	Noise nuisances; prevention and control	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ To deal with complaints of noise nuisance caused by domestic and industrial/commercial premises. 	
Description of harm prevented	<p>Harm caused relates to:</p> <ul style="list-style-type: none"> ■ Annoyance that affects people's quality of life, and health impacts ■ The World Health Organisation (WHO Guidelines for Community Noise, 1999) recognise that specific effects of noise include: interference with communication; noise-induced hearing loss; sleep disturbance effects; cardiovascular and psycho-physiological effects; performance reduction effects; annoyance responses; and effects on anti-social behaviour. ■ The WHO Guidelines are derived from a substantial body of international research findings that link environmental noise with adverse health effects and exposure – response relationships are available for road, rail and aircraft noise. ■ There are known to be many 'non-acoustic' factors that influence the relationship between noise and health. <p><i>Issues relating to evidence</i></p> <p>The problem of linking this evidence with complaints of noise nuisance is that annoyance from noise nuisance occurs at a very much lower level than the health impacts can occur.</p> <p>The evidence on transportation sources is not generally relevant as the nuisance provisions do not relate to noise from transport except where the noise is specific to particular premises. Noise from supermarket vehicle deliveries, for example, would be covered by the legislation, whereas noise from the vehicle on route to the supermarket would not.</p> <p>Annoyance is personal and related to the way an individual feels about their environment and the noise creator.</p>	DC WHO, 1999

Policy Area	Noise nuisances; prevention and control	Source of evidence
Extent of harm/risk	<p>Annoyance</p> <ul style="list-style-type: none"> ■ The National Noise Attitude Survey undertaken for Defra in 1999/2000 found that 18 per cent of UK respondents placed noise in the top five environmental problems that personally affected them. 21 per cent reported that noise spoilt their home life to some extent, with 8 per cent reporting that their home life was spoilt either 'quite a lot' or 'totally'. ■ In the same study 81 per cent of respondents heard noise from neighbours and/or other people nearby and 37 per cent were bothered, annoyed or disturbed to some extent, with the evening and night time periods being most susceptible. The study found that the proportion of people adversely affected by noise from neighbours rose from 21 per cent to 26 per cent between 1990 and 2000. ■ Unwanted noise is the biggest source of complaints from local residents to their local authorities – nearly 300,000 in 2004/05, ■ One in seven state that neighbour noise affects their quality of life (Defra, 2002). ■ 2,737 complaints about industrial, trade and commercial premises (2004/05). ■ Approximately half a million people have moved home in the last year due to neighbour noise, and one in ten are kept awake by noise (National Society for Clean Air and Environmental Protection, 2006). <p>Health impacts</p> <p>The health impacts of neighbour noise/ industrial are unknown. This is primarily because the legislation is based upon definitions of nuisance (where noise is either prejudicial to health or a nuisance) and most actions are taken on the basis of annoyance.</p> <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Lack of data on health. ■ There are difficulties carrying out research into the health effects of neighbour noise because of the nature of the issue (sporadic, unpredictable, intermittent source etc). 	DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ The split between complaints about noise sources on domestic premises (principally music) and noise from non-domestic premises varies. In many LAs, almost all the complaints are about (music from) domestic premises, and it is typical for a LA to have about 90 per cent of their complaints about this source (Taylor, 2006 Review for Defra on use of abatement notices under EPA 1990). ■ This is because these are the areas that people can complain about under nuisance provisions. However the following graph illustrates the areas that really concern the population. It can be seen that transport sources are most disturbing but these cannot be dealt with under the legislation except where they are specific to a particular premises. 	Taylor, R, 2006 Defra website



Policy Area	Noise nuisances; prevention and control	Source of evidence
Views of citizens	<ul style="list-style-type: none"> ■ It was thought without any regulation <i>at all</i> then there would be nothing to stop people behaving anti-socially; playing loud music, shouting and so on. ■ It was thought that this would have an adverse affect on quality of life issues and, furthermore, would lead to increased tensions in the neighbourhood between those committing the offence and those trying to live with it. ■ However, in spite of the annoyance caused by this, it was not deemed to be a high priority for enforcement. This was due to the fact that other issues, such as public health and the quality of the environment, were simply seen as more pressing. <i>Noise nuisance possibly isn't life threatening, it could get on your nerves but it's probably not as important as something to do with food or even something to do with the housing area.</i> Male, 41+, Manchester 	CDG
Views of business	<ul style="list-style-type: none"> ■ The economic detriment and inconvenience to customers caused by indiscriminate restrictions as to the times when deliveries can be made to retail outlets on grounds of noise was highlighted as a major inhibiting factor to productivity ■ Noise was not identified as a priority in the business discussion groups. ■ Generally business felt that this area was a low priority due to low numbers affected and local nature of issue and solutions. 	BSE BDG
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority survey highlighted noise nuisance as an area of where authorities felt they should be concentrating their resources. ■ 70 per cent of all single-tier authorities voted for noise nuisance as a top 10 local priority, and 20 per cent of all single-tier authorities voted for it as their number one priority. ■ Similarly 60 per cent of district councils voted for noise nuisance, 28 per cent of them as their number one priority. When ranked against the other priority areas the policy area emerges as a significant local priority, second highest for both types of authority. ■ There is an urban bias to those single-tier authorities who place this as a top ten priority 97.5 per cent were urban or mixed authorities. Of these district councils, 80 per cent were urban or mixed authorities. 	LAS

Summary case: Notification/prevention of infectious diseases

- 152,995 statutory notifications of cases of notifiable diseases in 2005
- 10 per cent of all deaths are attributable to infectious diseases but, enforcement is necessarily reactive in nature
- Approximately 10 per cent of the NHS budget is spent on treating infectious diseases
- Local authority action is critical in case of outbreak to implementing control measures

Policy Area	Notification/prevention of infectious diseases	Source of evidence
Aim of policy area	To protect public health by detecting and preventing the spread of infectious diseases.	
Description of harm prevented	<ul style="list-style-type: none"> ■ Reduces likelihood of spread of dangerous diseases e.g. Diphtheria, Dysentery, Leprosy, Malaria, Rubella, Rabies, Typhoid fever, Tuberculosis, Whooping cough, Yellow fever, Viral Haemorrhagic fever, Mumps, Meningitis, Acute Encephalitis, Viral Hepatitis. 	
Extent of harm/risk	<ul style="list-style-type: none"> ■ All sectors of the population are vulnerable to infectious disease but the burden does not fall equally across the population. ■ Socio-economic, environmental factors and behaviours impact on vulnerability. Quality of housing and diet, overseas travel, high risk behaviours such as intravenous drug use, and uptake of vaccinations have a critical impact on the incidence of certain diseases among different sections of the population. ■ In 2005 there were 152,995 statutory notifications including 70,407 cases of food poisoning; 7,628 cases of tuberculosis; 4,109 cases of viral Hepatitis and 2,120 cases of Hepatitis C. ■ Approximately 10 per cent of the NHS budget is spent on treating infectious diseases and 10 per cent of all deaths are attributable to infectious diseases. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ These figures cover all infectious diseases, not just those that are subject to the Public Health (Control of Disease) Act. The cost of treating cases of those diseases that are subject to the Act, and the number of associated deaths, are unknown. ■ Much infection goes unreported so the picture of scale and nature of threat to health is incomplete ■ Infectious diseases are never static. More virulent and resistant strains of existing diseases, as well as new diseases such as SARS, can emerge. 	DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ Cuts across local authority boundaries. 	

Policy Area	Notification/prevention of infectious diseases	Source of evidence
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ The Health Protection Agency believes that the Public Health (Control of Disease) Act 1984 is an effective tool to help control infectious diseases. ■ Local authority enforcement forms a key part of the Government's infectious disease strategy. 	DC
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ Use of powers at ports and airports and throughout local authority areas when necessary. ■ Powers include requiring disinfection of premises, preventing people affected by communicable diseases from carrying on trade posing a risk of transmission, prohibiting work in affected premises. ■ Powers are used reactively in response to notified disease outbreaks. 	LA
Views of citizens	<ul style="list-style-type: none"> ■ Of great value to protecting citizens and their families in a locality that may be affected by an outbreak. 	CDG
Views of business	<ul style="list-style-type: none"> ■ This area did not emerge as a priority from business focus groups, trade association or individual company responses with the exception of Asda who emphasised the role of local authorities in protecting individual weak consumers. ■ A lower priority for local authorities was attached to activities where there was perceived overlap with other national and local agencies. ■ The Health Protection Agency already addresses this issue at a national level. PCT'S and other NHS bodies, supported by the HPA, should pick this up at local level. 	BDG
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority survey revealed Notification/prevention of infectious diseases to be an area of local concern to 25 per cent of single tier authorities and just 8 per cent of district councils. 	LAS

Summary case: Operation of the Housing Health and Safety Rating System (HHSRS) and its associated enforcement powers in private-sector housing

- Over 1.6 million households live in dwellings estimated to have a hazard present which is so significant that local authorities would be obliged to take action should it be identified.
- Poor housing conditions and design contribute to major accidents and poor health. Improvements in housing conditions has been shown to have a number of positive impacts on health including lower rates of mortality, improved mental health and lower rates of GP contact.
- Improvements in housing can have a major impact on the quality of the local environment and reduce the sense of isolation, fear of crime and increase involvement in community affairs.

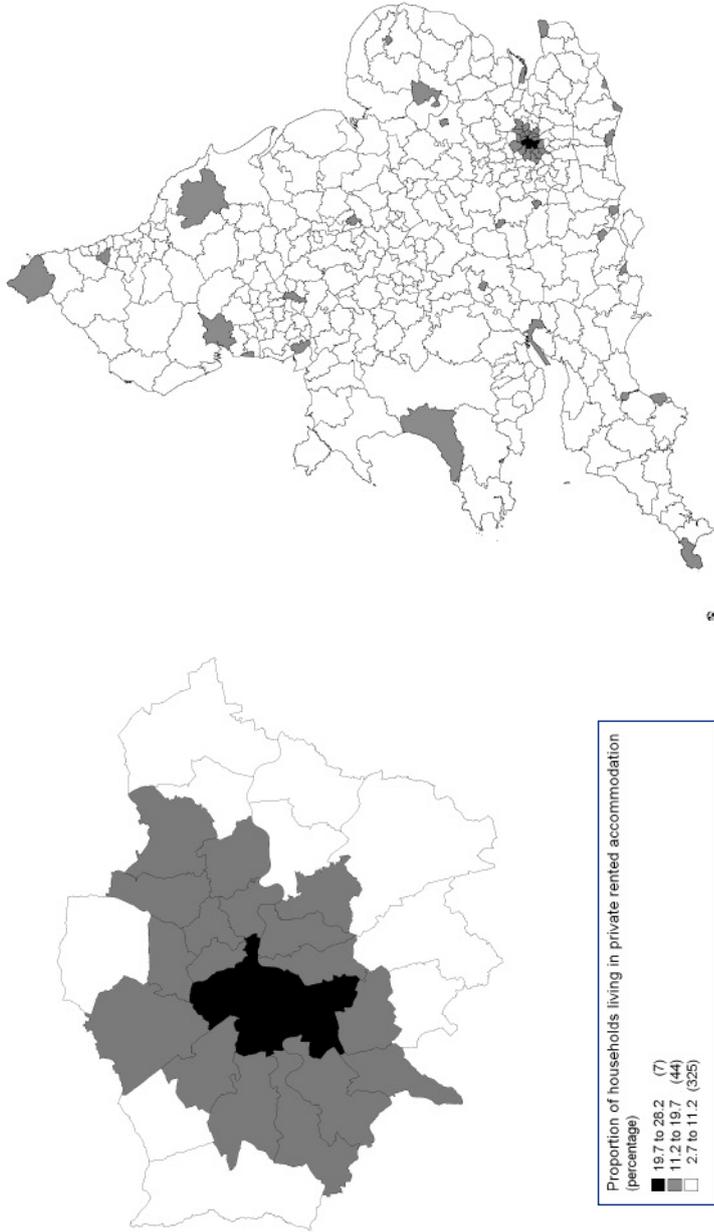
Policy Area	Operation of the Housing Health and Safety Rating System (HHSRS) and its associated enforcement powers in private-sector housing	Source of evidence																																				
Aim of policy area	Reduce risk to people's health and safety arising from the condition and use of housing.	DC																																				
Description of harm prevented/dealt with by policy area	<ul style="list-style-type: none"> The private-sector rental tenure is where enforcement is chiefly used to secure compliance. 9 per cent of English people lived in this sort of housing in 2001⁷ and it is 11 per cent of housing stock. Housing containing unnecessary hazards can cause harm to people's health, from relatively minor damage to fatalities. Peoples' health can be affected in a range of ways depending on the sort of hazard encountered. The Housing Health and Safety Rating System (HHSRS) considers 29 areas of hazard as shown below. <table border="1" data-bbox="901 436 1332 1848"> <thead> <tr> <th>Physiological Requirements</th> <th>Psychological Requirements</th> <th>Protection Against Accidents</th> </tr> </thead> <tbody> <tr> <td>1. Damp and mould growth</td> <td>11. Crowding and space</td> <td>19. Falls associated with baths</td> </tr> <tr> <td>2. Excess cold</td> <td>12. Entry by intruders</td> <td>20. Falling on level surfaces</td> </tr> <tr> <td>3. Excess heat</td> <td>13. Lighting</td> <td>21. Falling on stairs etc</td> </tr> <tr> <td>4. Asbestos (and MMF)</td> <td>14. Noise</td> <td>22. Falling between levels</td> </tr> <tr> <td>5. Biocides</td> <td>Protection Against Infection</td> <td>23. Electrical hazards</td> </tr> <tr> <td>6. Carbon monoxide and fuel combustion products</td> <td>15. Domestic hygiene, pests and refuse</td> <td>24. Fire</td> </tr> <tr> <td>7. Lead</td> <td>16. Food safety</td> <td>25. Flames, hot surfaces</td> </tr> <tr> <td>8. Radiation</td> <td>17. Personal hygiene, sanitation and drainage</td> <td>26. Collision and entrapment</td> </tr> <tr> <td>9. Uncombusted fuel gas</td> <td>18. Water supply for domestic purpose</td> <td>27. Explosions</td> </tr> <tr> <td>10. Volatile Organic Compounds</td> <td></td> <td>28. Position and operability of amenities</td> </tr> <tr> <td></td> <td></td> <td>29. Structural collapse and failing elements</td> </tr> </tbody> </table> <ul style="list-style-type: none"> In addition to risks to occupants, hazardous run-down housing may also damage the image of an area. 	Physiological Requirements	Psychological Requirements	Protection Against Accidents	1. Damp and mould growth	11. Crowding and space	19. Falls associated with baths	2. Excess cold	12. Entry by intruders	20. Falling on level surfaces	3. Excess heat	13. Lighting	21. Falling on stairs etc	4. Asbestos (and MMF)	14. Noise	22. Falling between levels	5. Biocides	Protection Against Infection	23. Electrical hazards	6. Carbon monoxide and fuel combustion products	15. Domestic hygiene, pests and refuse	24. Fire	7. Lead	16. Food safety	25. Flames, hot surfaces	8. Radiation	17. Personal hygiene, sanitation and drainage	26. Collision and entrapment	9. Uncombusted fuel gas	18. Water supply for domestic purpose	27. Explosions	10. Volatile Organic Compounds		28. Position and operability of amenities			29. Structural collapse and failing elements	DC DCLG website
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⁷ National Statistics (2006). Census 2001 data, crown copyright extracted from NOMIS system, [internet] (www.nomisweb.co.uk) cited February 2007

Policy Area	Operation of the Housing Health and Safety Rating System (HHSRS) and its associated enforcement powers in private-sector housing	Source of evidence
Extent of harm/risk	<p><i>Evidence on harm/risk and costs</i></p> <ul style="list-style-type: none"> ■ The departmental case points to evidence from the English Housing Conditions Survey of over 1.6 million households having a significant hazard present which is over the threshold for mandatory local authority action. ■ It is likely that a considerable amount of harm occurs due to housing so hazardous that action would be required under HHSRS. There is no specific data available. ■ The departmental case cites Office of National Statistics statistics that in 1998 there were 3,763 accidental deaths at home or in communal establishments (although not all of these would be a direct result of a building hazard)⁸. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ Evidence is not available to strongly link harm to problems that LA enforcement could tackle ■ However, the sources cited are sound. 	DC
Geographical spread of issue	<ul style="list-style-type: none"> ■ Precise evidence not available of the spread of hazardous housing. ■ The proportion of the population living in the private-sector rented tenure differs substantially across England – from 31 per cent to 3 per cent across lower and single-tier local authorities⁹. There are notable concentrations in London and some university and seaside towns, as the map illustrates. ■ Local authorities' comments at engagement events indicate that hazardous housing is spread unevenly across the country. It was suggested that as well as urban authorities and areas with high student populations having problems, that rural areas with high populations of transient agricultural workers may also have particular needs for enforcement. 	LAE

⁸ Accidental deaths: by cause 1971–1998: [internet] (www.statistics.gov.uk) cited February 2007

⁹ National Statistics, Census 2001 data, crown copyright extracted from NOMIS system [internet] (www.nomisweb.co.uk) cited February 2007

Policy Area	Operation of the Housing Health and Safety Rating System (HHSRS) and its associated enforcement powers in private-sector housing	Source of evidence
<p>Effectiveness of existing legislation to deal with the policy issue</p>	 <p>Proportion of households living in private rented accommodation (percentage)</p> <ul style="list-style-type: none"> ■ 19.7 to 28.2 (7) ■ 11.2 to 19.7 (44) □ 2.7 to 11.2 (325) 	<p>LAE</p> <p>LAS</p>
<p>There have long been regulations about housing conditions, but the HHSRS system was only introduced from April 2006 so there is as yet limited data on enforcement by local authorities under the new system.</p> <p>Local authorities have a range of powers to intervene in relation to hazardous housing conditions. At engagement events, local authorities appeared satisfied that these powers allow them to reduce unnecessarily high risks (for example to require works to buildings). There are a number of concerns in relation to the complexity and hence efficiency of the fairly new system of assessing risks that is the necessary precursor to taking action.</p> <p>Our local authority survey found that 30 per cent of authorities believe the HHSRS system to be 'very effective' and 50 per cent 'fairly effective' in improving outcomes. This does not put it among the areas where activity is perceived to be most effective.</p>		

Policy Area	Operation of the Housing Health and Safety Rating System (HHSRS) and its associated enforcement powers in private-sector housing	Source of evidence
Nature of LA activity and time devoted	<ul style="list-style-type: none"> ■ Local authority activity involves assessing housing conditions and use (e.g. to consider overcrowding) according to a methodology called the Housing Health and Safety Rating System (HHSRS). If their assessment results in a hazard rating score above a set level, there is a duty to take action. If an assessment results in a score below the set level, they may choose whether to act. Local authorities have powers to require housing owners to reduce risk, such as by carrying out repairs, and if needed to order occupants to vacate the dwelling. Complaints largely drive local authorities' assessments and hence enforcement actions. This means that action is extremely unlikely for property that is owner-occupied and rare for that owned by Registered Social Landlords (as they have target standards), making private-sector rented housing the particular focus of attention. ■ Over a third of local authorities with the relevant responsibilities, said they devote over 10 per cent of their resources to this policy area. 	DCLG website LAS
Views of citizens	<ul style="list-style-type: none"> ■ A lack of good enforcement over this issue was perceived to have serious consequences. Participants stated that the most likely result would be a decline in the standard of private accommodation available. There was little sense that private landlords would self-regulate; participants were of the opinion that they try to keep their costs down as far as possible and, so if they could get away with not making improvements to their accommodation then they would in the interests of profit. ■ While poor quality housing in itself is seen as a major problem, it was also believed to have a number of negative knock-on effects. A few participants made a link between local environment and crime; they stated that if an area looked run-down then it would be more likely to be home to anti-social behaviour. As a result of this, those that could afford to would move out. ■ Furthermore, a few also believed that there was a link between poor quality housing and health. For example, participants stated that if homes suffered from damp then the residents might be more prone to chest infections for example. ■ A lack of enforcement in this area was also seen to erode tenants' rights. Assuming there was a problem in the home then tenants would not have any ability to make the landlord fix it; they would be entirely dependent on the landlord's better nature to do so. It is thought that this could lead to increased tension and, potentially, arguments. ■ In light of this, participants were often of the opinion that this should be one of the priorities for enforcement going forward. ■ Private landlords were thought to be far less accountable than, for example, local authorities and housing associations and, thus, it was believed that regulation here was needed – especially when the ill effects of there being no regulation were considered. ■ Indeed, some felt that this issue was already neglected. They had heard anecdotal evidence about the condition of some private accommodation which they found concerning and, thus, believed that this should be a key priority for the future. <i>But the experience of people I've worked with is that some of the places they're sent to are absolutely disgusting. They're rat infested, you wouldn't put a dog in there. And they said they have a duty, a housing duty to vet these properties before actually putting people in there.</i> ■ Female, 21-40, London ■ In spite of these attitudes though, it was rarely classed as one of the top five priorities. This was not because it was not deemed important but, rather more, other issues were considered to be more universal and more pressing. 	CDG

Policy Area	Operation of the Housing Health and Safety Rating System (HHSRS) and its associated enforcement powers in private-sector housing	Source of evidence
Views of business	<ul style="list-style-type: none"> ■ This area did not emerge as a priority from business discussion groups, trade association or individual company responses. Some felt it was primarily an issue of private rights and not appropriate for use of local authority resource in most instances. 	BDG
Views of local authorities	<ul style="list-style-type: none"> ■ 42 per cent of all district authorities voted this policy area as one of their five local priorities, and compared to other topics it ranked as an area of considerable but not very highest overall concern. 10 per cent of all the district councils voted this as their number one priority, demonstrating that for certain districts this policy area is very significant. Among single-tier councils, 39 per cent placed this within their ten local priorities. However, when ranked against other policy areas it is mid-table and not a significant area of concern. 	LAS

Summary case: Product safety – general and specific product areas

- 106 products in UK market place were considered of sufficient risk for EU RAPEX notification in 2006
- The general business view is that reputation, insurance and product withdrawal/ recall costs drive compliance
- Enforcement is mostly reactive and advisory

Policy Area	Product safety – general and specific product areas	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> General and specific product safety regulations aim to protect consumers from unsafe products by setting minimum safety standards. Provides framework powers to deal with unsafe consumer products reaching the market place. 	DC
Description of harm prevented	<ul style="list-style-type: none"> Consumer injury or even death, damage to public/private property and economic loss. Potential loss of businesses which may inadvertently supply unsafe product. 	DC
Extent of harm/risk	<p>The main causes of domestic accidents involving consumer products are:</p> <ul style="list-style-type: none"> Ladder or support equipment - national estimate 47,399 annually Toy, game, novelty, joke, fireworks etc – national estimate 41,503 annually Mobility aid or baby transport - national estimate 31,612 annually DIY building etc, tool or machines national estimate – 86,916) annually <p><i>Issues relating to evidence</i> It is unclear the extent to which the products listed above were unsafe versus the manner of their use. Illustrative examples;</p> <ul style="list-style-type: none"> UK fire statistics showed that between 1999-2003 there were on average 5 deaths and 220 injuries each year resulting from fires started by young children playing with cigarette lighters. (This triggered new requirements for certain lighters to have child-resistant mechanisms and a ban on all child appealing novelty lighters – reducing fires by at least one third. Before introduction of the Furniture and Furnishings (Fire) (Safety) Regulations the dwelling fire fatality rate was 17 lives per million population. Between 1988 and 1997, this reduced to 12 lives pmp – saving at least 710 lives and 5,770 fewer fire injuries. There is also potential commercial disadvantage versus businesses who skimp on the cost of adequate product design and quality control, or who import and supply inferior/unsafe goods. The average cost of a product recall to a business is around £39,000. Most businesses (especially small businesses) do not take out recall insurance. 	DC
Geographical spread of issue	<ul style="list-style-type: none"> Given the national and international nature of trade in consumer products the product safety issues cross local authority boundaries. 	DC

Policy Area	Product safety – general and specific product areas	Source of evidence
Local authority views	<ul style="list-style-type: none"> ■ Activity was recognised as largely reactive and advisory with specialist expert resource and tick-over capability to act rapidly when required. ■ 41 per cent of county councils and 37 per cent of single-tier authorities voted for Product safety (subject to specific safety regulation) as one of their five priorities. 37 per cent of county councils and 26 per cent of single-tier authorities voted for Product safety (not subject to specific safety regulation) as one of their five priorities. ■ During the local authority stakeholder events local authorities made the point that they carried out identical activities under the two policy areas Product safety (not subject to specific regulations) and Product safety (subject to specific regulations). Therefore, these two policy areas have now been merged. ■ However, it is not possible to assess how local authorities would have voted had this been one policy area, its added significance might have meant that authorities which did not vote for either policy area might have rated it more significantly. However, where local authorities voted for Product safety with specific safety regulations, surprisingly they rarely voted for it without Specific safety regulations and vice versa. If analysed as if one policy area, 50 per cent of single-tier authorities and 55 per cent of county councils voted it as one of their local priorities. 	<p>LAE</p> <p>LAS</p>

Summary case: Safety and wholesomeness of food stuffs

- 1,364 food incidents (3 incidents a day), of which 65 per cent related to food contamination in 2006
- 170,000 routine samples taken by local authorities in 2004/05
- Only 1-2 per cent of samples unsatisfactory due to contamination
- Routine food sampling by local authorities is not effective at detecting problems, unless it is appropriately targeted and risk based
- Food manufacturers, retailers and citizens believed that food safety should be tackled at manufacturing level rather than at retail level and so should not be a top priority for local authorities

Policy Area	Safety and wholesomeness of food stuffs	Source of evidence
Aim of policy area	Ensure food is safe and of good quality and deal with contamination by foreign objects through sampling and analysis.	
Description of harm prevented	<ul style="list-style-type: none"> ■ To ensure food produced is safe for consumption and meets consumer expectations. ■ Whilst the vast majority of food is safe and wholesome but consuming contaminated food could lead to food borne illness or food induced illness. ■ Whilst food borne illnesses can have short term effects, chemical contamination may lead to longer term health problems. ■ Food may be contaminated with harmful levels of chemicals either added deliberately for example, Sudan dyes added to chilli, or by accident due to spillages, faulty storage or be present as a result of environmental contamination e.g. dioxins. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> ■ Of the 1,364 food incidents reported to the Food Standards Agency in 2006, the more serious incidents were those where food was contaminated with toxic chemicals. 65 per cent of these were due to some form of food contamination. 	DC

Policy Area	Safety and wholesomeness of food stuffs	Source of evidence																																								
	<p>The table below provides a break down of the incidents by category.</p> <table border="1" data-bbox="359 1272 1209 1825"> <thead> <tr> <th></th> <th>2006</th> </tr> </thead> <tbody> <tr> <td>Allergens</td> <td>48</td> </tr> <tr> <td>Animal Feed (on market)</td> <td>9</td> </tr> <tr> <td>Biocides</td> <td>6</td> </tr> <tr> <td>Counterfeit products</td> <td>6</td> </tr> <tr> <td>Environmental contamination</td> <td>370</td> </tr> <tr> <td>Food Contact Materials</td> <td>13</td> </tr> <tr> <td>Illegal Import/Export</td> <td>17</td> </tr> <tr> <td>Irradiated ingredient</td> <td>37</td> </tr> <tr> <td>Labelling/Documentation</td> <td>97</td> </tr> <tr> <td>Microbiological contamination</td> <td>153</td> </tr> <tr> <td>Natural chemical contamination</td> <td>173</td> </tr> <tr> <td>On Farm</td> <td>101</td> </tr> <tr> <td>Pesticides</td> <td>19</td> </tr> <tr> <td>Physical contamination</td> <td>139</td> </tr> <tr> <td>Process contaminants</td> <td>9</td> </tr> <tr> <td>Radiological</td> <td>10</td> </tr> <tr> <td>Use of an unauthorised ingredient</td> <td>74</td> </tr> <tr> <td>Vet Meds</td> <td>75</td> </tr> <tr> <td>Water quality</td> <td>8</td> </tr> </tbody> </table> <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> Sampling is best targeted to areas where it is most effective, for example at manufacturing level where problems have been detected through complaints or observation. So it would seem be used more as a preventative measure. 		2006	Allergens	48	Animal Feed (on market)	9	Biocides	6	Counterfeit products	6	Environmental contamination	370	Food Contact Materials	13	Illegal Import/Export	17	Irradiated ingredient	37	Labelling/Documentation	97	Microbiological contamination	153	Natural chemical contamination	173	On Farm	101	Pesticides	19	Physical contamination	139	Process contaminants	9	Radiological	10	Use of an unauthorised ingredient	74	Vet Meds	75	Water quality	8	
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Geographical spread of issue	<ul style="list-style-type: none"> The geographical spread is wide cutting across national and local authority boundaries. 																																									

Policy Area	Safety and wholesomeness of food stuffs	Source of evidence
Views of business	<ul style="list-style-type: none"> ■ 'Food safety' was identified as a top priority by all discussion groups and the following organisations representing food manufacturing, food service, retail and employers. ■ Food safety and wholesomeness are different things and whilst food safety must be a priority advice to business on food quality and diet should not. ■ The business discussion groups saw this policy area as covering the regulations including animal feed and tracking (to protect public health), food hygiene and safety, approval of food manufacturing premises and contaminated land. ■ Whilst often expressing a view that the food safety areas listed (animal health, food hygiene, imported food, food safety and wholesomeness) were all related there was a general view that random routine sampling of products at retail level was not the most effective use of resource and that controls should be applied at point of manufacture / import if they were considered necessary. 	BSE BDG
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority events indicated that Safety and wholesomeness of food stuffs is not a priority and in fact one of the lowest priorities. ■ The survey revealed that 30 per cent of single-tier authorities voted for Safety and wholesomeness of food stuffs as one of their top ten priorities. 37 per cent of county councils voted for it as their priority, and 14 per cent voted for it as their number one or two priority. This may be because counties and single-tier authorities see this policy area as covering a range of issues relating to health and food poisoning. ■ 8 per cent of district authorities also voted for the policy area to be a priority. 	LAE LAS

Summary case: Fair trading (trade description/trade marking/mis-description/doorstep selling)

- Estimated £8 billion consumer detriment per year
- £3.2 billion lost to scams per year, 3.5 million victims per year (1 in 15 adults) - 13 per cent of victims are over aged 65
- £30 million lost to rogue doorstep sellers who target the elderly, in particular, those over 71 some times with severe emotional repercussions
- £1.3 million costs to intellectual property per year
- The geographic spread of these issues is wide and many local authorities deal with these issues in regional groups

Policy Area	Fair trading (trade description/trade marking/mis-description/doorstep selling)	Source of evidence
Aim of policy area	Ensure traders describe goods/services accurately. Includes counterfeiting and rogue trading.	
Description of harm prevented	<p>To protect consumers from unfair trading, the legislation covers for example:</p> <p><i>Trade descriptions</i></p> <ul style="list-style-type: none"> ■ To ensure goods are not mis-described and ensure that false statements are not made about the provision of services, accommodation or facilities. This includes car servicing. <p><i>Doorstep selling</i></p> <ul style="list-style-type: none"> ■ Vulnerable consumers, particularly the elderly are targeted by rogue traders who sell poor quality products or services at inflated prices. <p><i>Scams</i></p> <ul style="list-style-type: none"> ■ These scams include bogus holiday clubs scams, high risk investment scams, pyramid and chain letter scams and foreign lottery scams through deceptive unsolicited mailings, phone calls, or emails which encourage consumers to part with their money. <p><i>Intellectual property</i></p> <ul style="list-style-type: none"> ■ To ensure that a registered trade mark or sign likely to be mistaken for a registered trade mark or a copyright work is not used without the consent of the owner. <p><i>Hallmarks</i></p> <ul style="list-style-type: none"> ■ To ensure that goods described for sale as gold, silver or platinum have been independently tested by a UK assay office and meet the minimum purity standard. ■ Almost 29 million articles of precious metal were hallmarked in the UK. There is an annual market of around 12 million hallmarked items in the UK. 	DC

Policy Area	Fair trading (trade description/trade marking/mis-description/doorstep selling)	Source of evidence
	<p><i>Scams</i></p> <ul style="list-style-type: none"> ■ UK consumers lose around £3.5 billion to scams every year. Nearly half of the UK adult population had been targeted by a scam and every year 1 in 15 people (3.2 million adults) fall victim. The average amount lost per scam was £850. Victims were most common amongst the 35-44 year age bracket. However, 13 per cent of victims were over 65 years of age and were likely to lose twice as much per scam as younger victims (OFT research on impact of mass marketed scams, A summary into the impact of scams on UK consumers, December 2006). <p><i>Intellectual property</i></p> <ul style="list-style-type: none"> ■ In December 2006 the Gowers Review estimated that Intellectual Property crime (IPC) in the UK is now worth £1.3 billion with £900 million of this flowing towards organised crime. Digital and optical piracy accounts for almost 50 per cent of this total. Film, software and music piracy are the biggest growth areas. IPC attracts organised criminal networks as it is considered to be high profit and low risk. <p><i>Estate agents</i></p> <ul style="list-style-type: none"> ■ In 2004 the OFT research on the estate agency market in England and Wales found that 21 per cent of sellers and 23 per cent of buyers reported problems with their agents. The overall consumer detriment is about £21.5m per annum. (Regulatory Impact Assessment, published with the Consumers, Estate Agents and Redress Bill in December 2006). <p><i>Timeshare</i></p> <ul style="list-style-type: none"> ■ The impact on an individual consumer resulting from mis-selling of timeshares could be large if the legislation was not in place. From complaints information received by the DTI, deposits taken prior to the ending of the cooling-off period, and which are subsequently lost, can sometimes be in the region of £5,000. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> ■ The estimate for total consumer detriment is subject to a wide margin of error. ■ The estimate of detriment in relation to scams is also approximate. The median amount lost by consumers in scams is £14, but the mean is £850 as the figure is skewed by a small number of consumers who lost large amounts of money. ■ The value of doorstep selling is hard to quantify precisely since available data generally concentrates on measuring total sales of a product rather than the method by which it was sold (OFT Doorstep Selling – A report on the Market Study May 2004). 	OFT

Policy Area	Fair trading (trade description/trade marking/mis-description/doorstep selling)	Source of evidence
	<p><i>Scams</i></p> <ul style="list-style-type: none"> ■ The DTI has provided funding of £895,000 per year for each of 2006/07 and 2007/08 for Scam buster groups in the South East, Midlands and North East of England to enable them to target rogue traders who cross local authority boundaries. <p><i>Estate agents</i></p> <p>In 2006, Consumer Direct notified Trading Standards Departments:</p> <ul style="list-style-type: none"> ■ 3,257 complaints regarding estate agents of which 306 related to criminal breaches ■ 1,574 cases for action of which 832 criminal breaches. <p><i>Hallmarks</i></p> <p>In 2005:</p> <ul style="list-style-type: none"> ■ 5,173 inspections were carried out of a potential 15,682 premises selling articles of precious metals. ■ 8 prosecutions and 2 instances of informations laid. ■ 413 instances of verbal advice, 108 warning letters ■ 7 formal cautions <p>Local authorities also carry out occasional random checks, mostly in jewellery quarters of major cities and street markets.</p> <p><i>National Intelligence Model</i></p> <ul style="list-style-type: none"> ■ The DTI funds Regional Intelligence Units to bring together intelligence from local authorities and Consumer Direct across each region to identify common problems where action may be needed. ■ The OFT produced a National Strategic Assessment in January 2007 based upon the 11 Regional Assessments developed by each of the Regional Intelligence Officers, which showed that the priority areas for Trading Standards overall are: doorstep crime, IP crime, car servicing, illegal money lending and underage sales. The national priority identified for OFT action was mass marketed scams (OFT Draft United Kingdom threat assessment of trading practices detrimental to the interests of UK consumers – January 2007). ■ Our local authority survey found that for trade descriptions, 60 per cent of authorities responsible devote a high or medium proportion of resource. 	<p>OFT</p> <p>LAS</p>
Views of citizens	<ul style="list-style-type: none"> ■ In 2006 an OFT consumer survey found that although three-quarters believe they are protected, consumers tend to opt for the category of “fairly” rather than “very” well protected (64 per cent and 10 per cent respectively). Some of the main reasons consumers feel they are not protected are companies try to get out of their responsibilities (24 per cent), too many rogue traders/sharks (19 per cent). ■ In 2004 OFT’s research into estate agency showed that out of 1.8 million house sales around one quarter of all buyers and sellers were dissatisfied with their estate agent. 	DC

Policy Area	Fair trading (trade description/trade marking/mis-description/doorstep selling)	Source of evidence
	<ul style="list-style-type: none"> ■ There was a perception that without good enforcement here, citizens would be at risk from purchasing counterfeit or substandard quality goods. They believed that they would be harassed in their own home by doorstep selling which would be a nuisance at best and intimidating (especially for the elderly) at worst. <i>You've got people where they are doorstep calling, old people will sign just to get them to go away and then they will hold them to it. So I suppose it's the vulnerable people that you'd be worried about.</i> Female, 41+, Birmingham ■ However, this was generally regarded as a low priority for enforcement. This was because participants felt that they had an element of control over this issue; they could simply not buy the products they believed to be fake, or could shut the door in the face of salesman. <i>Again it's annoying but doesn't affect everybody, it's not a universal thing. You can always slam the door in their face and tell them to clear off. It doesn't affect your health.</i> Male, 21-40, London ■ Furthermore, when set against the other issues discussed, this did not seem to be as important as, for example, public health or the environment. It was seen to be more 'annoying' rather than a threat to one's quality of life and general wellbeing. 	CDG
Views of business	<ul style="list-style-type: none"> ■ This was identified as a top five priority item by retail organisations. ■ There was concern that firms are getting caught out by scams, e.g. problems local businesses face from the unfair commercialisation of car boot sales or mock auctions where the vendors who attend don't pay business rates etc and therefore have an unfair competitive advantage. ■ A clear general view was expressed that issues affecting health and safety were higher priority than issues involving only economic detriment. ■ One particular aspect of enforcement was raised - while counterfeiting may be a very serious issue in the pharmaceutical or car part industries, it is difficult to see a serious threat to consumers from the sale of cheap copies in street markets. ■ There is a concern at being undercut by cowboys but there needs to be a light touch approach for responsible traders. 	BDG/BSE
Views of local authorities	<ul style="list-style-type: none"> ■ The local authority events indicated that this policy area was a priority for a number of local authorities. ■ The local authority survey demonstrated that the policy area is of significant concern to county councils, with 89 per cent of councils voting Trade descriptions as one of their top five priorities. 37 per cent of all county councils voted this policy area as their number one priority. When policy areas were ranked, it received the second highest number of votes. ■ Single-tier authorities attach slightly less importance than county councils. 67 per cent of all single-tier authorities voted the policy area as a priority and it was 6th when ranked against the other policy areas for which single-tier councils are responsible. 	LAE LAS

Summary case: Underage sales and associated anti-social behaviour

The policy area aims to protect children;

- 8 out of 13 volatile substance abuse deaths, associated with butane cigarette lighter refills in 2004, were in children under 18 years.
 - Children who smoke are also susceptible to more immediate health risks, those who smoke regularly are two to six times more susceptible to coughs, wheezing, shortness of breath and asthma.
 - Adolescent drinkers have an increased risk of social problems, depression, suicidal thoughts and violence.
 - Alcohol and drug misuse is the cause of more than 1 in 16 children being permanently excluded from school.
 - Most 10- to 15-year-olds who had tried to buy alcohol from a shop had been successful at least once (84 per cent) and 14 per cent had been successful more than 11 times in the previous 12 months.
- There are also impacts on the local community;
- 29 per cent of 12-17 year olds reporting any form of anti-social behaviour after drinking (arguments, fights, vandalism, etc) (the Youth Lifestyles Survey).

Policy Area	Underage sales and associated anti-social behaviour	Source of evidence
Aim of policy area	<p>Ensure cigarettes, alcohol, knives, fireworks, air guns and solvents (and other age restricted purchases including CDs/DVDs) are not sold to underage buyers and prevent other anti-social behaviour.</p> <p>The policy area aims prevent harm to children, as well as prevent nuisance caused by young people by access to restricted purchases. The Department's response has focused on the underage purchase of knives, solvents, alcohol, tobacco and fireworks.</p>	
Description of harm prevented	<ul style="list-style-type: none"> ■ Underage drinking is prevalent 56 per cent of all 10- to 17-year-olds reported having an alcoholic drink in the previous 12 months. Among 16-17 year olds, this number increased to 88 per cent. ■ Report Card 7, published by UNICEF Innocenti Research Centre recently highlighted the risk behaviours of British children. Compared against the OECD countries (Organisation for Economic Cooperation and Development), the United Kingdom ranked last in levels of teenage drinking. ■ Most 10- to 15-year-olds who had tried to buy alcohol from a shop had been successful at least once (84 per cent) and 14 per cent had been successful more than 11 times in the previous 12 months. A greater proportion had been successful in pubs (93 per cent), with 22 per cent being successful more than 11 times. For 16- to 17-year-olds the figures were even higher with nearly all successfully purchasing from a shop (96 per cent) or pub (98 per cent) at least once. ■ Currently 9 per cent of young people aged 11 to 15 smoke. 17 per cent of children try to buy cigarettes from shops, mostly small corner shops or newsagents and only 23 per cent found that it was difficult to do so. <p>There are several impacts/ harms affecting the local community and the young people themselves, both of short and long term as well as secondary impacts. The impacts on children include educational attainment, increased risk of being a victim of crime, and health risks. The subsequent anti-social behaviour, crime and disorder impacts on local communities.</p>	DC

Policy Area	Underage sales and associated anti-social behaviour	Source of evidence
Extent of harm/risk	<p>Impact on local communities</p> <p><i>Crime and disorder</i></p> <ul style="list-style-type: none"> ■ The prevalence and volume of offending and violent offending increases for those under 18 who drink more frequently, those who drank once a week or more committed a disproportionate volume of crime, accounting for 37 per cent of all offences admitted by 10 to 17-year-olds but only 14 per cent of the total sample. <p><i>Criminal damage and theft and repeat offending</i></p> <ul style="list-style-type: none"> ■ Reports of criminal damage (17 per cent) and theft (34 per cent) were also higher among those who drank at least once a week in comparison to those who drank less frequently or not at all. The survey also suggested a higher rate of repeat offending in these groups. <p><i>Anti-social behaviour</i></p> <ul style="list-style-type: none"> ■ The Youth Lifestyles Survey found 29 per cent of 12-17 year olds reporting any form of anti-social behaviour after drinking (arguments, fights, vandalism, etc). ■ The OCS 2005 found that 10- to 17-year-olds were significantly more likely than 18- to 25-year-olds to have committed any anti-social behaviour in the last 12 months. For those aged from 10 to 15, being drunk once a month was associated with committing anti-social behaviour and for 16- to 25-year-olds, visiting pubs and clubs frequently was a factor associated with a greater likelihood of reporting committing anti-social behaviour. <p>Impact and risk to young people:</p> <p><i>Injury and short term health problems</i></p> <ul style="list-style-type: none"> ■ 13 children a day are admitted to hospital as a result of alcohol and adolescent drinkers have an increased risk of social problems, depression, suicidal thoughts and violence. ■ Fireworks misuse can also injure all age groups; injury statistics from firework accidents fluctuate around 1000 injuries a year, of which around 25 per cent are from accidents in the street or public place. In 2005 there were 990 fireworks injuries reported, of which 247 were caused in the street or other public place. Of these 292 were referred to out patient department of the hospital/another hospital. 213 of the injuries were 13-17 years olds and 281 under 13. <p><i>Educational attainment</i></p> <ul style="list-style-type: none"> ■ Adolescent drinkers perform worse in school, are more likely to fall behind and have an increased risk of social problems, depression, suicidal thoughts and violence. ■ Alcohol and drug misuse is the cause of more than 1 in 16 children being permanently excluded from school. 	

Policy Area	Underage sales and associated anti-social behaviour	Source of evidence
	<p><i>Long term health and social problems</i></p> <ul style="list-style-type: none"> ■ Evidence shows that alcohol misuse while young is associated with heavy and problematic drinking in later life, there is also an association between alcohol, especially heavy drinking during teenage years, and the use of illegal drugs. ■ Alcohol also affects the sleep cycle, resulting disrupted release of hormones necessary for growth and maturation. ■ Children who smoke have long term health risks but are also susceptible to more immediate health risks, those who smoke regularly are two to six times more susceptible to coughs, wheezing, shortness of breath and asthma. <p><i>Risky behaviour</i></p> <ul style="list-style-type: none"> ■ Of 10- to 17-year-olds who drank at least once a month, 28 per cent reported that they had got into an argument during or after drinking in the past 12 months and 12 per cent reported getting into a fight. Those 10- to 17-year olds who had drunk alcohol, particularly those who drank at least once a week, were more likely to smoke and take drugs. ■ 15 per cent of teenagers reported sexual problems (unwanted sexual experience or unprotected sex) due to their own drinking. ■ Of those who drank at least once a week, 43 per cent reported that they smoked regularly compared to only 2 per cent of non-drinkers. ■ The Safer London Survey highlights that 1 in 10 young people reported having carried a knife in the previous 12 months. <p><i>Fatalities</i></p> <ul style="list-style-type: none"> ■ Research has shown that abuse of volatile substances tends to start at an early age, and that abuse can lead to the abuse of other drugs. The number of deaths of young people in the UK associated with Volent Solvent Abuse (VSA) was higher than the number of deaths associated with drug misuse for every single year from 2000 - 2004. Gas fuels continue to be associated with the majority of all deaths. In 2004 butane cigarette lighter refills were associated with 8 out of the 13 VSA deaths in under 18 year olds. ■ Smoking is the greatest single cause of preventable illness and premature death, killing 106,000 people each year in the UK. Smoking is dangerous at any age but the younger people start, the more likely they are to become lifetime addicts and to die early from smoking. Someone who starts smoking at 15 is 3 times more likely to die of cancer than someone who starts in their mid-twenties. ■ The underage sales of knives can lead to potentially tragic consequences. 	
Geographical spread of issue	<ul style="list-style-type: none"> ■ This is a national issue, occurring in all local authorities, although the levels at which underage sales take place might vary across an authority. 	LAE
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> ■ The enforcement of underage sales is underpinned by a wide range of legislation including the Licensing Act 2003, Children and Young Persons (Protection from Tobacco) Act 1991 and the Cigarette Lighter Refill (Safety) Regulations 1999. ■ The age limit for sale of knives and tobacco is due to be raised from 16 to 18 in 2007 which will require additional enforcement to ensure the higher age limit is complied with. 	LAE/LAS

Policy Area	Underage sales and associated anti-social behaviour	Source of evidence
<p>Nature of LA activity and time devoted</p>	<ul style="list-style-type: none"> ■ The legislation to deal with the policy is effective, with recent revisions to acts or new acts giving new powers to enforcers, for example the Violent Crime Reduction Act 2006 gives police and local communities new powers to tackle knife related violence. The Act makes it an offence to use other people to hide or carry guns or knives and introduces new powers for head-teachers and other members of staff to search pupils for knives. ■ There are problems with some legislation including being able to prove intent, for example the Intoxicating Substances (Supply) Act 1985, which prohibits the supply of any product to a person under the age of 18 only if knowing or suspecting its intended use is for the purpose of abuse. ■ Although the legislation is seen as effective overall the issue remains a supply-side and demand-side driver: dealing with the retail sale of age restricted purchases to underage young people is a very effective way to deal with the supply-side, however other measures must also be put in place to deal with demand. ■ The LA survey reinforces Home Office statements; LAs placed considerable importance in tackling underage sales, and thought they were effective in tackling the problem. From the sample, 29 per cent of LAs thought they were very effective and 22 per cent fairly effective at enforcing the policy area. Only 4 per cent fairly/very ineffective. 	
	<p>The action LAs take to enforce the legislation include predominately test purchasing, warnings and convictions for continually selling to underage children. There is also an effective code of practice for retailers.</p> <ul style="list-style-type: none"> ■ Test purchasing has increased in recent years. ■ Trading standards officers also undertake a significant amount of pro-active work with premises, helping them to comply with the law. This includes advice, training and assistance with company procedures and training packages. They are also involved in intelligence driven operations. ■ The threat of enforcement activity (including the possibility of licence review and adverse publicity/ damage to company reputation) seems to have been a powerful incentive for licensed premises to improve their compliance rate. <p>Following the detection of an offence (i.e. in the event that a test purchase results in a sale of an age restricted goods), Trading Standards Professionals may take the following action:</p> <ul style="list-style-type: none"> ■ Record details of the offence, but take no further action ■ Record details of the offence, to justify further (intelligence led) test purchase visits ■ Issue a Penalty Notice for Disorder (PND) to the person making the sale [Note: the Police and Justice Act 2006 makes it possible for Trading Standards Professionals to issue PNDs without police officers being present] ■ Prosecute the person making the sale ■ Issue a PND to or prosecute the Designated Premises Supervisor (if that is the person making the sale or if inadequate training, systems or supervision are in place). 	<p>DC</p> <p>Wagenaar AC, Toomey TL TL and Erickson DJ. Preventing youth access to alcohol: outcomes from a multi- community time series trial, addiction 2005</p>

Policy Area	Underage sales and associated anti-social behaviour	Source of evidence
	<ul style="list-style-type: none"> ■ Trading Standards Professionals usually plan test purchase operations independently and data is not collated centrally. Visit details have been collated during the Government coordinated Alcohol Misuse Enforcement Campaigns ('AMECs'). This is an example of partnership working, when the Home Office Police Standards Unit, along with the Association of Chief Police Officers, local authorities and Trading Standards services undertook a co-ordinated alcohol misuse enforcement campaign. ■ National figures show that in 2005, just over 2,000 PNDs were issued for selling alcohol to under-age young people. <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>Alcohol Misuse Enforcement Campaigns have targeted premises suspected of selling alcohol to underage persons using test purchase operations. These campaigns have seen alcohol retailers sell alcohol to under-18s in between 1 in 2 and 1 in 5 cases (this may underestimate the true scale of the problem, as test purchases use young looking children who do not carry proof of identity, who are usually instructed to tell the truth about their age if challenged)</p> <p>During the last AMEC, 950 PNDs were issued in a 1 month period for illegal sales of alcohol to under-18s. This shows the rates of test purchase failure in the various licensed trade sectors and comparisons with results from a year earlier. This shows that failure rates improved across the board following these high profile enforcement campaigns. For example, between summer 2005 and summer 2006:</p> <ul style="list-style-type: none"> ■ The on-licence failure rate fell from 51 per cent to 29 per cent ■ The off-licence failure rate fell from 36 per cent to 21 per cent ■ The supermarket failure rate fell from 50 per cent to 18 per cent. </div> <ul style="list-style-type: none"> ■ Evidence has also been collected from local authorities about the success of test purchasing (TP). The London Borough of Newham, have obtained very successful TP campaigns for firework sales over the last few years. During the 2003 fireworks season, they did not advertise TP, and obtained 82.4 per cent illegal sales rate (28/34 attempts). During the 2004 season they gave multi-lingual information packs to retailers and obtained a 43.9 per cent illegal sales rate (18/41 attempts). During the 2005 season, the pack was reissued but included media cuttings of successful prosecutions they obtained a 7.3 per cent illegal sales rate (4/55 attempts). 	
Views of citizens	<ul style="list-style-type: none"> ■ The policy area is of importance to citizens, 28 per cent of respondents to the British Crime Survey 2004 perceived teenagers hanging around to be a 'very big' or 'fairly big' problem in their local area (19 per cent for people being drunk or rowdy). ■ Knife crime is also an issue of national concern with almost 90,000 sharp instruments were handed in to police stations during the recent knife amnesty in England and Wales. 	CDG

Policy Area	Underage sales and associated anti-social behaviour	Source of evidence
	<ul style="list-style-type: none"> ■ The research into citizen's views found that the primary concern of citizens is the impact on the community. ■ The policy area was perceived to be both hard to enforce, due to access to fake IDs for example, as well as part of children's lifestyles to "break rules". ■ Overall it was seen as a lower priority to other policy areas. 	
Views of business	<ul style="list-style-type: none"> ■ 'Test purchasing' as an enforcement technique to identify and deter underage sellers has proved very controversial. Asking for this to be a focus area is a reflection by retail of a need to address this concern and not a call for more enforcement resource to be put in to this activity. ■ There was a universally held view that traders did not set out to deliberately sell alcohol or other age restricted products to those underage regardless of the level of attention that might be given to this by enforcement. There was a clearly expressed view that enforcement needed to be risk based and based on complaint levels and not simply based on routine random test purchasing. ■ There was a clear wish by businesses engaged in on and off licence retail to be seen as the first line of enforcement in the preventing of underage sales and not the target for enforcement. ■ This was identified as a top five priority by retail organisations involved in the on and off licence trade including Wines and Spirits Trade Association (WSTA), J Sainsbury plc, Federation of Small Businesses (FSB), The British Beer and Pubs Association (BBPA), Institute of Directors, (IOD). However taking the overall view of business, it viewed that market research to identify rogue traders followed up by targeting test purchasing resource should suffice. 	BDG/BSE
Views of local authorities	<ul style="list-style-type: none"> ■ Underage sales is a local concern to a significant majority to county and single-tier authorities. ■ 96 per cent of county councils voted for underage sales as one of their top five priorities, and 53 per cent voted for it as either their first or second priority. In single-tier authorities 74 per cent voted for it as within their top 10 priorities. ■ When ranked alongside other policy areas, underage sales emerged with the highest number of votes in county councils and the third highest for single-tier authorities. This reflects the statistics from where resources are currently devoted to with authorities, 55 per cent of all respondents allocated over 10 per cent of their total resources to underage sales. 	LAE/LAS

Summary case: Work-related safety – preventing accidents from transport and machinery

- 10 people were killed due to workplace transport injuries in LA-enforced sectors in 2003/04
- 441 needed hospitalisation
- £370-£385 million – costs to employers of ALL injury in LA-enforced sectors in 2001/02
- Costs to society as a whole, taking in individual's costs from for example lost earnings, health and incapacity benefits are likely to be from 4 to 5 times higher. NB The proportion due to workplace transport and machinery accidents cannot be separately identified.

Policy Area	Work-related safety – preventing accidents from transport and machinery	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> ■ Reduce risk of employees or members of the public being involved in a workplace accident relating to transport or machinery. 	DC
Description of harm prevented	<ul style="list-style-type: none"> ■ Individuals involved in transport/machinery accidents may be injured or killed. The resulting pain and distress may be of long duration. Not only employees but also members of the public may be involved. ■ Individuals and their families may experience economic loss due to lost earnings and extra costs associated with recovering from injury. Serious injuries can prevent the individual returning to work for a long period or permanently. ■ Firms experience economic loss when staff are involved in accidents due to the need to hire replacement staff and provide sick pay or compensation. There are also associated insurance and administration costs, and plants can be damaged by accidents or need to be shut down. ■ Society faces costs of health care provision and, in the case of people who become unable to work, benefits. There are also associated administration costs and costs of health and safety inspections. 	DC
Extent of harm/risk	<p><i>Evidence on harm/risk and costs</i></p> <ul style="list-style-type: none"> ■ 10 people were killed in 2003/04 due to workplace transport injuries in LA-enforced sectors. At least 441 workers needed to be hospitalised because of such accidents, and at least 1076 were off work for over 3 days. ■ Costs to employers of ALL injury in LA-enforced sectors are £370-385 million in 2001/02. Costs to society as a whole, including individual's costs from lost earnings, health care and incapacity benefits are likely to be from 4 to 5 times higher. The proportion due to workplace transport and machinery accidents cannot be separately identified. <p><i>Issues of relating to evidence</i></p> <ul style="list-style-type: none"> ■ Very reliable indication of minimum level of costs – there is an official requirement to report accidents/injuries and the system is known to register nearly all serious incidents, although fewer of the more minor accidents. ■ Cost data – margins indicate the level of precision. The methodology for producing costs arising from all illness/all injury/all other costs for all sectors was developed by the Health and Safety Executive (HSE) economic advisors unit. It has developed over iterations. The same unit estimated for LA-enforced sectors. 	DC

Policy Area	Work-related safety – preventing accidents from transport and machinery	Source of evidence
Geographical spread of issue	<ul style="list-style-type: none"> All local authorities are likely to contain business premises that require health and safety checks. 	LAE
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> The local authority survey found 84 per cent of responsible authorities believe enforcement in relation to this topic is effective (25 per cent 'very effective'), putting this topic mid-table. Legal powers in this area are frequently used, with 5,510 notices issued in 2004/05 on any health and safety topic. 	LAE/LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> Health and safety inspectors usually have a group of businesses to oversee. They use a risk-assessment method to decide how often to make visits, and higher-risk firms receive more visits. The primary purpose of activity is to seek compliance. On visits an inspector will look at a range of issues, often relating to priority programmes where risk is known to be higher. If a problem is identified the inspector will assess the gap between the actual and ideal situations and act accordingly, and may not issue a formal notice requiring change if the transgression is small. Local authority inspectors with health and safety responsibility often also have other duties such as food-related inspection, and their visits may address more than one topic. Health and safety enforcement activity is quite joined-up, so statistics cannot separate the particular activity devoted to the 'transport and machinery' remit of local authorities. In 2004/05, local authorities in England: enforced in 965,000 premises, employed 950 full time equivalent inspectors with health and safety responsibility, made 198,000 visits, received 66,000 requests for service, served 5,510 notices and 'laid information' in 279 cases with an 89 per cent conviction rate. Our local authority survey found that just over half, 52 per cent, of authorities responsible for enforcing this area spend a low proportion of resource (1-10 per cent) on this activity area. A few, 7 per cent, spend a high proportion of resource here and a third a medium proportion. A few authorities 5 per cent said they devote hardly any resource, perhaps having few relevant premises. 	LAE DC LAS
Views of citizens	<ul style="list-style-type: none"> Our citizens' discussion groups viewed enforcement as a significant priority. They were aware of the numbers of people at risk and the potential seriousness of accidents. 	CDG
Views of business	<ul style="list-style-type: none"> Our business discussion groups identified work-related safety relating to transport/machinery as among their top priorities for enforcement. Employers with machinery in their premises saw this as particularly critical – they appear convinced of the need for checks. Some participants queried the value of general advice campaigns. One trade body was unsure as to the split between HSE and LA responsibilities, and thought this should be better joined up. 	BDG
Views of local authorities	<ul style="list-style-type: none"> 16 per cent of single-tier councils voted work related safety as among their top ten local priorities, but only 2 per cent put it in their top 4 priorities. Among district authorities, just 13 per cent voted for this as a local priority. While the survey results suggest local authorities did not attach great significance to this area qualitative comments do indicate that many local authorities voted for one area of Health and Safety to represent the work they carry out. 	LAE

Summary case: Work-related safety – slips, trips and falls

- 8 workers were killed by a fall from height and 930 were hospitalised in LA-enforced sectors in 2003/04
- 3,100 workers in total were hospitalised by a slip or trip accident in LA-enforced sectors 2003/04 (about 9 per day)
- Local authorities, business and citizens all feel that good enforcement is important in this area

Policy Area	Work-related safety – slips, trips and falls	Source of evidence
Aim of policy area	<ul style="list-style-type: none"> Reduce risk of employees or members of the public being involved in an accident on work premises due to slips and trips or falls. 	DC
Description of harm prevented	<ul style="list-style-type: none"> Individuals involved in slips/trips or falls accidents can be injured or killed. The resulting pain and distress may be of long duration. Individuals and their families may experience economic loss due to lost earnings and extra costs associated with recovering from injury. Serious injuries can prevent the individual returning to work for a long period or permanently. Firms experience economic loss when staff are involved in accidents due to the need to hire replacement staff and provide sick pay or compensation. There are also associated insurance and administration costs, and plants can be damaged by accidents or need to be shut down. Society faces costs of health care provision and, in the case of people who become unable to work, benefits. 	DC
Extent of harm/risk	<ul style="list-style-type: none"> At least 3,100 major injuries (requiring hospitalisation) were caused by slips and trips in 2003/04 in the LA-enforced sector. This equates to 9 people per day. At least 6,800 people were injured so they needed more than 3 days off work. 8 people were killed by falls in the LA-enforced sectors in 2003/04, and at least 930 sustained a major injury (requiring hospitalisation). At least 1,100 were injured so they needed over 3 days off work. An estimate of costs to employers of ALL injury in LA-enforced sectors is £370-385 million in 2001/02. Costs to society as a whole, including individual's costs from for example lost earnings, health and incapacity benefits are likely to be from 4 to 5 times higher. The proportion due to 'slips, trips and falls' cannot be separately identified. <p><i>Issues relating to evidence</i></p> <ul style="list-style-type: none"> Very reliable evidence on fatalities, reliable indication of minimum number of injuries but true level will be higher. There is an official requirement to report accidents and injuries and the system is known to register all fatalities and circa 43 per cent of non-fatal injuries across all sectors. Cost data – margins indicate the level of precision. The methodology for producing costs arising from all illness/all injury/all other costs for all sectors was developed by the Health and Safety Executive (HSE) economic advisors unit. It has developed over iterations. The same unit has calculated LA-enforced sector information specifically. 	DC

Policy Area	Work-related safety – slips, trips and falls	Source of evidence
Geographical spread of issue	<ul style="list-style-type: none"> Affects all local authorities. 	LAE
Effectiveness of existing legislation to deal with the policy issue	<ul style="list-style-type: none"> Our local authority survey found 88 per cent of authorities responsible for enforcing this area believe enforcement here is effective (33 per cent 'very effective') putting this topic mid-table. 	LAS
Nature of LA activity and time devoted	<ul style="list-style-type: none"> Health and safety inspectors usually have a group of businesses to oversee. They use a risk-assessment method to decide how often to make visits, and higher-risk firms receive more visits. The primary purpose of activity is to seek compliance. On visits an inspector will look at a range of issues, often relating to priority programmes where risk is known to be higher. If a problem is identified the inspector will assess the gap between the actual and ideal situations and act accordingly, and may not issue a formal notice requiring change if the transgression is small. Local authority inspectors with health and safety responsibility often also have other duties such as food-related inspection, and their visits may address more than one topic. Health and safety enforcement activity is quite joined-up, so statistics cannot separate the particular activity devoted to the 'improving health' remit of local authorities. In 2004/05, local authorities in England specifically enforced in 965,000 premises, employed 950 full time equivalent inspectors with health and safety responsibility, made 198,000 visits, received 66,000 requests for service, served 5510 notices and 'laid information' in 279 cases with an 89 per cent conviction rate. Our local authority survey found that just over half, 56 per cent, of authorities responsible for enforcing this area spend a low proportion of resource (1-10 per cent) on this activity area. A few, 6 per cent, spend a high proportion of resource here and a third a medium proportion. 	LAE DC
Views of citizens	<ul style="list-style-type: none"> Our citizen's discussion groups viewed the Work-related safety – slips, trips and falls topic as a priority area for enforcement. They were aware of the risks of death and serious injury for individuals and knock-on cost to society. As this is an area where people have limited ability to protect themselves, and many people are affected it was viewed as a high priority. 	CDG
Views of business	<ul style="list-style-type: none"> Business engagement identified this area as a priority – Confederation of British Industry (CBI), British Chambers of Commerce (BCC), British Hardware Federation (BHF), Sainsbury's all supported it. Our business discussion groups selected the 'work-related safety – slips, trips and falls' topic as a priority area for enforcement. Participants felt they had a clear duty to protect their employees and that this is a critical area for enforcement. 	BSE BDG

Policy Area	Work-related safety – slips, trips and falls	Source of evidence
Views of local authorities	<ul style="list-style-type: none"> ■ 44 per cent of district councils rated workplace safety as one of their top five priorities, making it in the top half when ranked against other policy areas. 46 per cent of single-tier authorities voted for this policy area as one of their ten local priorities, however when ranked against their other priorities the area does not emerge as raising the highest local concern. 	LAS

