

Paper LGP7/03

HEALTH AND SAFETY EXECUTIVE and LOCAL GOVERNMENT PANEL

MEETING 15TH April 2009

INTERACTION WITH THE LOCAL BETTER REGULATION OFFICE (LBRO)

A paper by HSE Local Authority Unit and LACORS

Issue

1. To consider if the combined input of HSE and LACORS to the work of the Local Better Regulation Office (LBRO) is appropriate, or if additional means of engagement are required.

Background

2. LBRO is a non-departmental public body, accountable to the Department for Business, Enterprise and Regulatory Reform through the Better Regulation Executive. Its role is to improve local authority enforcement of environmental health (health and safety, food and environment), trading standards and licensing. Its stated overall aim is to secure the effective performance of local authority regulatory services in accordance with the principles of better regulation. Its focus is on ensuring that inspection and enforcement are based on an assessment of risk, so that businesses are supported and regulatory resources are focused on those areas that most deserve tougher scrutiny. It also has a role in demonstrating the value of good local regulation.

3. The key projects LBRO are engaged in include

i) Primary Authority Scheme The Regulatory Enforcement and Sanctions Act 2008 and secondary legislation, establishes Primary Authority (PA) as a statutory scheme for businesses trading across local authority boundaries.

A PA partnership can cover any combination of aspects of environmental health, licensing and trading standards regulation. Once set up, a PA partnership applies to all local authorities that have responsibility for the relevant functions when dealing with the business concerned.

A PA has the responsibility to provide the business with regulatory advice and guidance. Where a business has acted on advice given by the PA the business will be able to rely on that advice if challenged by another authority. Enforcing Authorities must inform the PA of any enforcement action except where action is needed urgently to prevent harm. LBRO is empowered to make determinations in cases of disagreement. PAs do not apply to any enforcement by HSE.

ii) Retail Enforcement Pilot This scheme is testing the possibility of reducing the number and variety of inspections to which a business is subject. The aim is that a single inspection should be able to identify any areas where improvement is needed, so removing the requirement for further intervention other than in areas of poor performance. The scheme is currently being evaluated and a report is expected in Autumn 2009.

iii) Excellence Standard for Local Regulation The standard seeks to define a basic standard to be achieved by all LAs. It is currently being developed and draws heavily on the LACORS Peer Challenge Process. Currently, LBRO have agreed that demonstration of compliance with the S18 Standard for health and safety regulation will indicate with the aspects of the Excellence standard relevant to health and safety regulation.

As part of the S18 standard HSE and LACORS, working with Chartered Institute of Environmental Health (CIEH) have developed a tool (Regulators Development Needs Analysis Tool – RDNA) to ensure both HSE and LA inspectors receive the development they need to meet the challenges of their work. The World Class Coalition is currently considering if this tool can be applied across all LA regulators.

iv) Mapping Regulatory Services A review of all regulatory activity to identify the depth and complexity of cover and potential overlaps in regulation. Report published November 08.

4. Current contacts with LBRO

Currently links with LBRO include

i) Robin Dahlberg Robin is a member of both HSE's Board and that of LBRO.

ii) World Class Coalition of Regulators A consultation group with representatives from all national regulators, and others, to assist LBRO in developing policies, standards and approaches. LACORS is represented by Derek Allen (Executive Director). HSE is represented by Tony Hetherington (Head of Local Authority Unit). Members of LACORS and HSE staff contribute to a number of working groups associated with the work of the coalition.

iii) HELA and LACORS Policy Forum An LBRO representative attends both HELA and LACORS Health and Safety Policy Forum meetings.

iv) Keeping in touch meetings Derek Allen has regular up dates with Graham Russell (Chief Executive LBRO).

5. Action

In view of the potential for LBRO to influence the approach local authorities take to regulation, including health and safety regulation, members are asked to consider if other formal, or informal links should be established with LBRO.

LACORS/HSE Local Authority Unit
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