

National Enforcement Priorities for Wales

Prepared by the Local
Better Regulation Office
for the Welsh Assembly
Government

LBRO
Better Local Regulation



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Use of data and evidence

Unless otherwise stated, data referenced in this report relate specifically to the activity and impact of local regulatory activity in Wales. Where data are unavailable for Wales appropriate UK figures are provided. LBRO and the Welsh Assembly Government are working with local authorities and national regulators to further develop the evidence base and measure the impact of regulatory activity in Wales.

Good regulation is critical to protecting citizens and communities and supporting enterprise and business growth in Wales. More than ever before, regulation should focus on the outcomes that people in Wales need – safer food, more secure communities, healthier workplaces and fairer trading.

The work of local authority regulatory services – environmental health, trading standards, licensing and fire safety – has a wide impact on our local communities and is key to delivering the bold ambitions of One Wales. Local regulation influences everything from the general health of the community through reducing alcohol misuse and delivering consumer protection; to supporting local economies when tackling issues such as anti social behaviour and fly tipping.

We are pleased to publish this first set of national enforcement priorities for Wales, prepared by the Local Better Regulation Office (LBRO) in conjunction with local authorities, national regulators and professional and representative bodies. National enforcement priorities for Wales provide an important opportunity for local authorities and their regulatory services to demonstrate the critical role they play in delivering protection and prosperity for citizens and business at a local and national level.

The four national enforcement priorities reflect the fundamental principles of One Wales – accountable, citizen-centred public services. They seek to address the regulatory risks and threats faced by citizens in Wales. They do so by setting out the outcomes that local authorities strive to deliver, working with other councils, partner agencies, citizens and business. Yet the distinctiveness of Wales' communities means that local circumstances and priorities will require different approaches in different places. Innovative local solutions, based on local difference, will deliver these nationally important outcomes tailored to local needs.

The publication of this first set of national enforcement priorities is an important milestone. However, it is only the beginning. Together we must continue to work collaboratively to focus efforts around the priorities and deliver real improvements in the quality of life for the people of Wales.

Acknowledgements

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1.0 Executive summary

Local authority regulatory services of trading standards, environmental health, licensing and fire safety play a vital role in protecting and supporting local communities in Wales, delivering the outcomes which people need – safer food, cleaner neighbourhoods, healthier workplaces, and consumer protection. The economic, social and environmental impact of regulatory activity means that regulatory services are a vital asset to communities, citizens and businesses.

Achieving better outcomes for citizens has increasingly defined the delivery of public services in Wales in recent years. By focussing on the needs of both citizens and business, regulatory services will contribute to some of the most challenging policy agendas facing the nation, including social inclusion, climate change, and economic regeneration. Such priorities are articulated both through the Welsh Assembly Government's One Wales agenda¹ and the Strategic Framework², included within the IDEAS Programme (Information to Deliver Excellence, Accountability and Success). They also meet the statutory requirement of Welsh Ministers under Section 79 of the Government of Wales Act (2006) to promote sustainable development, and form a central organising principle of the Welsh Assembly Government which encourages other public bodies in Wales to adopt similar approaches.

1.1 Preparing the national enforcement priorities

National enforcement priorities for regulatory services, as introduced by the Regulatory Enforcement and Sanctions (RES) Act 2008, describe Government's priorities for local regulatory delivery. It is a statutory duty³ of the Local Better Regulation Office (LBRO) to prepare draft national enforcement priorities for regulatory services for consideration and approval by Welsh Ministers. Section 11 (b) of the Act states LBRO must prepare and publish 'a list specifying those matters to which a local authority in Wales should give priority when allocating resources to its relevant functions'. Under Section 11 (2), local authorities must have regard to the priorities in allocating resources to their regulatory services functions⁴.

The Act includes a definition of regulatory services – environmental health, trading standards, licensing and fire safety⁵ – that provides the scope of this review to establish national enforcement priorities. References to regulatory activity in this report refer to these functions, however, it is recognised that local regulation encompasses a wider breadth of services, including planning and building control that are an integral part of local regulatory activity to protect citizens and support businesses.

The term 'enforcement priority' needs to be understood to reflect the breadth of activity that local authority regulatory services carry out to deliver effective protection and prosperity, including advice and training provided to business; education and information provision to consumers; project work to gather intelligence; targeted risk-based enforcement and collaborative working with partners at a local, regional and national level. Achieving better outcomes depends on the careful allocation of resources across a range of regulatory activities, not simply traditional enforcement.

Better outcomes can be driven by better citizen engagement. The philosophy of 'citizen centred services' is a consistent theme of the One Wales agreement and considers people as more than consumers of public services; they are partners in achieving better outcomes for the whole community. The model of 'co-produced services', where the beneficiaries of public services are instrumental in the design, planning and delivery of services to improve outcomes, is an essential driver for service improvement in Wales and better local regulation.

1.2 Feedback from the consultation

LBRO worked with the Welsh Assembly Government and key partners to prepare this first set of national enforcement priorities for Welsh local authorities. The consultation paper presenting four draft national enforcement priorities was published on 1st December 2009 and the consultation ran for 12 weeks.

The responses received were overwhelmingly positive regarding the proposed priorities and their role in improving outcomes for citizens and businesses in Wales. Many respondents welcomed the outcome-focused approach of the priorities and emphasised their value to collaborative approaches to service delivery across Wales. As a result of the comments received, a number of refinements have been made to the priorities and these are reflected in this final report. Further information on the consultation responses and the response of LBRO and the Welsh Assembly Government can be found in the accompanying consultation responses summary report, available at www.lbro.org.uk / <http://wales.gov.uk>

1.3 The selected priorities

The national enforcement priorities selected for Wales are as follows:

- i. **Protecting individuals from harm and promoting health improvement**
- ii. **Ensuring the safety and quality of the food chain to minimise risk to human and animal health**
- iii. **Promoting a fair and just trading environment for citizens and business**
- iv. **Improving the local environment to positively influence quality of life and promote sustainability**

These outcome-focused national enforcement priorities reflect the contribution of regulatory services to the national priorities of One Wales and the Strategic Framework; aim to address regulatory risks that exist across the nation; and promote collaborative working to control risk and deliver co-ordinated services across local authority boundaries.

The priorities set out outcomes that all local authority regulatory services should have regard to in service planning and resource setting. They do not set out the activities or tools that regulatory services should use to contribute to these outcomes. National enforcement priorities are designed to provide a focus for local regulatory activity and collaborative working with partner organisations that meets national needs using local solutions.

The evidence for each of the national enforcement priorities is outlined in Section 3 alongside a summary of how the activities of local authority regulatory services can deliver the outcomes of the national enforcement priorities. Further information and evidence collected in support of the priorities can be found in a supplementary volume, available at www.lbro.org.uk / <http://wales.gov.uk>

1.4 Embedding the priorities

Local authority regulatory services in Wales operate in a changing and challenging environment, influenced by both the drive for further improvement in citizen centred public services and the drive for regulatory reform at the local level. This is during a time of immense pressure on public finances and increased demand on public services due to the global economic recession. Effective prioritisation and tough choices face all public services in Wales, including local authority regulatory services.

It is important to note that national enforcement priorities do not undermine the importance of local priorities. The national priorities are designed to provide a focus for local regulatory activity and collaborative working with partner organisations, delivering national outcomes through local action. Local authorities and local service boards are best placed to understand and respond to issues facing local communities. Information gathered by regulatory services through citizens and business surveys, complaints analysis, local analysis of risk and the views of local elected members will inform local priorities. This allows local authorities to shape their activity under the national enforcement priorities to reflect local needs and circumstances.

Embedding the national enforcement to priorities in service provision will be a key focus of LBRO and Welsh Assembly Government over the forthcoming year, working closely with local authorities, the Welsh Local Government Association, the Directors of Public Protection Wales, national regulators and partners. This will include considering appropriate mechanisms to measure progress towards the outcomes set out in the priorities and providing practical tools to support local authorities focus their efforts in delivering these outcomes.



**Table 1:
Overview of the national enforcement priorities for Wales**

National enforcement priorities for Wales	Regulatory activity that will contribute to delivering national priorities	Link to One Wales outcomes	Links to the IDEAS Strategic Framework	Partner delivery
Protecting individuals from harm and promoting health improvement	<ul style="list-style-type: none"> Alcohol licensing Improving health, safety and wellbeing in the workplace Restricting underage sales Ensuring nutritional standards Improving housing standards 	<p>A Fair and Just Society</p> <p>A Healthy Future</p>	<p>(SF01) A healthy population with a good quality of life.</p> <p>(SF09) Children have the best start in life.</p> <p>(SF17) Wales has a positive external reputation</p>	<p>Food Standards Agency Wales</p> <p>Health and Safety Executive</p> <p>Police</p> <p>National Public Health Service – Wales</p>
Ensuring the safety and quality of the food chain to minimise risk to human and animal health	<ul style="list-style-type: none"> Approval of food manufacturing premises Hygiene of food and feeding stuff businesses Safety and wholesomeness of foodstuffs Farmed animal health and welfare 	<p>A Sustainable Environment</p> <p>A Healthy Future</p>	<p>(SF01) A healthy population with a good quality of life</p> <p>(SF18) Public services are citizen centred, continuously improving and value for money.</p>	<p>Food Standards Agency Wales</p> <p>Animal Health</p> <p>Consumer Focus Wales</p>
Promoting a fair and just trading environment for citizens and business	<ul style="list-style-type: none"> Regulating consumer credit and loan sharks Dealing with unfair trading practices, including doorstep crime, scams and rogue trading Product safety surveillance and testing Inspecting weights and measures equipment Supporting business through advice Empowering consumers through education 	<p>A Fair and Just Society</p> <p>A Prosperous Society</p>	<p>(SF11) Communities are regenerated across Wales</p> <p>(SF10) Poverty in Wales is reduced.</p> <p>(SF03) Our economy is strong and sustainable and provides good employment opportunities.</p> <p>(SF18) Public services are citizen centred, continuously improving and value for money.</p>	<p>Office of Fair Trading</p> <p>Consumer Focus Wales</p> <p>Illegal Money Lending Teams</p> <p>Scambusters</p> <p>Department for Business, Innovation and Skills</p> <p>Intellectual Property Office</p> <p>Local Better Regulation Office (Primary Authority)</p>
Improving the local environment to positively influence quality of life and promote sustainability	<ul style="list-style-type: none"> Regulating local environmental quality Controlling nuisance and anti social behaviour Alcohol licensing Housing safety standards Waste minimisation Managing flood risks and other emerging threats from climate change Air quality management Animal health movements and identification 	<p>A Sustainable Environment</p> <p>Living Communities</p> <p>A Fair and Just Society</p>	<p>(SF12) People live in safe, vibrant, inclusive rural and urban communities.</p> <p>(SF11) Communities are regenerated across Wales.</p> <p>(SF 05) Everyone has access to good housing</p> <p>(SF01) A healthy population with a good quality of life</p> <p>(SF 13) Our natural historic environment is protected and land is used sustainably.</p> <p>(SF 14) Wales is an energy efficient low carbon low waste society.</p>	<p>Environment Agency</p> <p>Department for Environment, Food and Rural Affairs</p> <p>Street Wardens</p> <p>Keep Wales Tidy</p> <p>Police</p> <p>Community Groups</p> <p>Housing Associations</p>

2.0 Better regulation in Wales: the context for national enforcement priorities

The national enforcement priorities form part of a wider approach to delivering better regulation for the benefit of citizens and business across Wales. The implementation of better regulation policies involves a mix of devolved and non-devolved responsibilities and the Welsh Assembly Government works with the Better Regulation Executive and the Local Better Regulation Office to promote a consistent approach to delivering better regulation across the UK, while operating within a distinct Welsh policy context. Distinctive elements include the fundamental principle to put citizens first and recognising that effective partnership across organisational boundaries is key to success.

2.1 Inspection, Audit and Regulation in Wales

In September 2009, the Welsh Assembly Government published the Policy Statement 'Inspection, Audit and Regulation in Wales'.⁶ This statement sets out the role that the Government expects inspection, audit and regulation (collectively referred to as "external review") to play in delivering accountable, citizen centred services and to a strategy for the continual improvement of local services. The policy statement, together with the principles of better regulation, provide the basis for a risk-based, proportionate and targeted approach to enforcement by regulators and for a new relationship between regulators and business.

2.2 Principles of better regulation

The five principles of better regulation provide the basis for a risk-based, proportionate and targeted approach to enforcement by regulators and a new relationship between regulators and business:

- **Targeted** – resources should be focused on higher-risk enterprises, reflecting local need and national priorities. The aim is to ensure that rogue traders are identified and compliant businesses and consumers are protected.
- **Proportionate** – enforcement action should reflect the level of risk to the public and penalties should relate to the seriousness of the offence⁷. This increases compliance without creating unfair burdens on businesses.
- **Consistent** – advice to business should be reliable and robust and applicable in different parts of the country. Where circumstances are similar, authorities should act in similar ways. Improved access to expert advice about regulatory issues that businesses can trust gives them more confidence to invest and grow.
- **Transparent** – businesses should be able to understand what is expected of them by local regulators and what they can anticipate in return. This builds trust between regulators and the regulated, increasing efficiency and improving outcomes.
- **Accountable** – activities should be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures. This allows businesses and communities to shape the services they receive.

Effective regulation protects public interests and creates a level playing field in which business can thrive. Thriving businesses create vibrant high streets and support the wider prosperity of citizens through employment and investment. Regulatory activity that targets high risk and deliberate non-compliance can protect compliant businesses and support enterprise by removing any competitive advantage achieved through failure to comply.

2.3 Local regulation in Wales

Regulatory services of trading standards, licensing, environmental health and fire safety are delivered by the 22 unitary authorities in Wales. The functions delivered by regulatory services cover devolved and non-devolved matters, as shown in Figure 1 below.

Figure 1: Devolution and reserved powers in Wales impacting on regulatory services (source: The Government of Wales Act 2006)

Devolved	Reserved
Agriculture, and rural development	Consumer protection ⁸
Economic development	Civil and criminal law
Environment	
Fire and rescue services and promotion of fire safety	
Food	
Health and health services	
Housing	
Local Government	

In addition to local authority regulatory services, there are a number of bodies responsible for enforcing legislation, regulating markets or monitoring standards, collectively known as national regulators⁹. The extent to which national regulators enforce legislation with local authorities or provide guidance to local authorities varies with each national regulator. The principal national regulators that have direct involvement in this landscape in Wales are listed below:

- Animal Health
- Environment Agency
- Food Standards Agency
- Gambling Commission
- Health and Safety Executive
- Intellectual Property Office
- National Measurement Office
- Office of Fair Trading

3.0 The national enforcement priorities

2.4 The role of the Local Better Regulation Office in Wales

LBRO was established under the Regulatory Enforcement and Sanctions Act 2008 to drive the wider regulatory reform agenda at local level. LBRO's mission is to secure the effective delivery of local authority regulatory services in accordance with the principles of better regulation. This involves supporting improvement in local authority regulatory services, reducing unnecessary regulatory burdens on business and delivering economic prosperity and community protection. To deliver change, LBRO has a range of statutory powers applicable across Wales and England, including developing formal partnerships with national regulators, advising Ministers on local regulation and operating the Primary Authority scheme. Working with partners, LBRO seeks to reduce duplication and complexity in the regulatory system through developing common approaches to risk, competency and data sharing. LBRO also works to promote solutions to address national risks through local regulation.

LBRO and the Welsh Assembly Government are committed to an ambitious programme of work to embed better local regulation across Wales and deliver better outcomes for citizens. This work focuses on promoting innovation and good practice, encouraging collaborative approaches by establishing a Regulators Forum and improving support for businesses through Primary Authority. Establishing the national enforcement priorities, and working with the Welsh Local Government Association, local authorities, national regulators and partners to identify appropriate mechanisms to measure progress against the priorities will be a key feature of the LBRO and Welsh Assembly Government work programme over the forthcoming year.



- i. Protecting individuals from harm and promoting health improvement
- ii. Ensuring the safety and quality of the food chain to minimise risk to human and animal health
- iii. Promoting a fair and just trading environment for citizens and business
- iv. Improving the local environment to positively influence quality of life and promote sustainability

The case for each of the national enforcement priorities is outlined below alongside a summary of how the activities of local authority regulatory services can deliver the outcomes of the national enforcement priorities. Full consideration is given to One Wales and the Strategic Framework, the regulatory risks existing across the nation, and the need to promote collaborative working. Further information and evidence collected in support of each of the priorities can be found in a supplementary volume, available at www.lbro.org.uk / <http://wales.gov.uk>

3.1 Priority 1: Protecting individuals from harm and promoting health improvement

One Wales emphasises the commitment shared by the Welsh Assembly Government, the health sector and local government to deliver significant improvements in the health of all people in Wales and to improve the wellbeing of vulnerable and disadvantaged groups. Compared to the other UK countries Wales has the highest percentage of the population who are aged 65 and over, and the most common causes of death in Wales are diseases of the circulatory and respiratory systems and cancer¹⁰, with diet, lifestyle choices and work related ill health playing a contributory factor in these conditions.

- In Wales, over half of all adults are overweight, with 1 in 5 adults considered to be obese. There is also a higher prevalence of overweight children in Wales than in the remainder of the UK¹¹, making issues with poor diet a concern for the nation.
- Over 1,000 deaths per year are attributable to alcohol and 6,000 smoking related deaths occur each year in Wales.
- Wales has higher rates of tobacco and alcohol consumption in children than respective rates in the rest of the UK.
- The cost to the Welsh economy of alcohol misuse is estimated at around £1.18 billion per year and the cost to the NHS in Wales has been estimated at £70-85 million per year¹².
- In 2007/2008, 1.9 million working days were lost overall; 1.7 million of these were due to work related ill health and 0.3 million due to workplace injury¹³. GPs were more likely to see people suffering from work related illnesses of stress, musculoskeletal disorders, skin or respiratory disease than any other reason.
- Housing standards impact on the health, safety and wellbeing of individuals. There were 4,501 hazards to occupants identified in dwellings during 2007-2008, the most common types being excess cold and damp and mould growth. In houses of multiple occupation across Wales, the most common hazard was fire¹⁴.

Regulatory services have an important and unique contribution to make to protecting and improving public health and reducing health inequalities through their responsibilities in regard to reducing the availability of alcohol, tobacco and other age restricted products, promoting informed consumer choices about food and nutrition and ensuring the health, safety and wellbeing of individuals at work and at home.

Reducing health inequalities and delivering improvements in the health of the nation is a complex and challenging issue that can only be addressed through collaborative effort that focuses on the needs of citizens. This will involve local partners and other local authority services, including Local Service Boards, and national partners including the Food Standards Agency Wales, the Health and Safety Executive and the National Public Health Service for Wales.

3.2 Priority 2: Ensuring the safety and quality of the food chain to minimise risk to human and animal health

The farming industry is a key part of the Welsh landscape, economy and heritage. Regulation aims to protect the health and welfare of farmed animals and to minimise the risk to human and animal health by preventing disease entering the food chain. The impact of food borne illness has been highlighted by the E coli O157 outbreaks, particularly that which occurred in South Wales in September 2005 caused by contaminated cooked meat, supplied by a local butcher. This incident led to the death of one school aged child, the hospitalisation of a number of others, and had a huge impact on local residents.

- Wales has a large proportion of small farms in comparison with the rest of Great Britain, rearing just over 25% and 10% of the UK's sheep and cattle¹⁵ respectively. Wales has high stocking densities with large number of animal movements. In 2008-2009, there were 24,157 risk assessed premises (animal health and welfare) across Wales and in 2009-2010, 432 critical control points were identified¹⁶.
- The Report of the Public Inquiry into the E coli O157 outbreak in South Wales highlights the critical role that the effective conduct of official controls, including the activities of local authority regulatory services, has in preventing food borne illness¹⁷.
- There were an estimated 925,767 cases of food borne disease in the UK in 2007 of which 443 resulted in death and 18,300 resulted in hospitalisation¹⁸.
- 69% of citizens polled in the UK expressed concerns about food safety and 57% of consumers say they are concerned about food poisoning.
- It has been estimated that the costs associated with food borne disease due to loss of production, health care costs and damage to business, amounts to £1.4 billion every year in the UK. This does not include the costs of major incidents, such as foot and mouth and it is estimated that the total cost of the foot and mouth crisis over the 2001-2004 periods to be was £4.7 billion¹⁹.
- Food enforcement is particularly important to small businesses. In a research study carried out on effective enforcement approaches for food safety in SMEs, the majority of businesses reported that they relied on local authority inspections to make them aware of legal requirements²⁰.

The production of food and its safe consumption is a key priority for Wales, impacting on the health of the nation but also supporting the rural economy. Local authority regulatory services are involved in regulatory activity through the food chain, from farm to fork. Animal health and welfare controls prevent disease entering the human food chain. Food borne disease, including E coli, presents a high risk to human health with the likelihood of exposure to such disease also being high.

Local authorities are responsible for ensuring that food products are properly labelled, meet the compositional standards required by law and that the food produced and consumed in Wales is safe to eat, fit for consumption and will meet public expectations.

The Report of the Public Inquiry into the E coli outbreak demonstrated the need to achieve better engagement, communication and co-ordination across the many different organisations and stakeholders involved in, and impacted by, local regulation.

Reflecting the shared responsibilities set out in the Animal Health and Welfare Framework Agreement, local authorities are working closely with Welsh Assembly Government, Animal Health and LACoRS to promote effective animal health and welfare controls and with the Food Standards Agency to deliver better regulation and effective enforcement and educational resources to reduce food borne illness.

3.3 Priority 3: Promoting a fair and just trading environment for citizens and business

Wales' proud tradition of 'Chwarae Teg' – fair play for all – underpins the vision of a fair and just Wales, in which all citizens are empowered to determine their own lives, in particular through support of vulnerable and disadvantaged individuals. Research suggests that over half of all adults in Wales have poor numeracy skills²¹. Low levels of literacy and numeracy can make it difficult for consumers to make informed choices and get a fair deal. A fair and just trading environment also supports the ambition to create a prosperous society and stimulate enterprise by ensuring well run, compliant businesses can prosper and rogue businesses do not enjoy an unfair competitive advantage. Over 98% of businesses in Wales are small businesses²² and 32% of businesses in Wales are micro-businesses²³, higher than the UK figure of 30%. The contact between regulatory services officers provides a key opportunity to provide the tailored advice and guidance businesses want. This is especially important to micro and SME businesses.

- In Wales, the proportion of consumer credit related problems brought to Citizens Advice has increased by 56% since 1998 (compared to a 47% increase across Britain as a whole), and debt clients of Welsh Citizens Advice have the highest debt to income ratio in the UK (Wales = 16.2; UK average = 13.9)²³.
- Each year, a third of British adults experience at least one known consumer problem that results in financial loss and, allegedly, is caused by a trader treating them unfairly. In total, they experience over 26 million problems and £6.6 billion worth of detriment²⁵.
- Loan sharks can charge between 500% and 11,000,000% interest on loans and the total amount of money lent by illegal money lenders in the UK is some £40 million per annum²⁶. The illegal money lending team in Wales has had almost 60 referrals of loan sharks operating in Wales and has identified loan books totalling £1.5 million.
- The consumer protection work of local authorities delivers total savings to UK consumers of at least £347 million a year. Two thirds of these savings are delivered through tackling unfair trading practices; and one third through advice and assistance to consumers. For every £1 that local authorities spend on consumer protection work, they deliver direct consumer savings of at least £6²⁷.
- Research over 2007-2008 has revealed that e-crime, including intellectual property theft, has cost business in Wales over £280 million in lost sales and productivity²⁸. This figure is based only on known and reported incidents.
- Approximately 10% of imported consumer goods sampled are found to be unsafe or incorrectly labelled. Data show that risks arising from unsafe products include choking, electric shock, strangulation, fire and burns, and suffocation and injuries to individuals²⁹. In the UK, 31% of recorded injuries in the home, many involving unsafe or defective goods, are to children under the age of 15 and 21% affect adults aged over 65 years old³⁰. The negative impact on UK consumers, businesses and public services of unsafe imported goods is £155 million per annum.
- It is estimated that approximately £188 million per worth of household goods are sold per annum on the basis of the measurement of their quantity. Goods bought and sold by measure are particularly important for poorer households in the UK, constituting nearly one third of their total weekly expenditure³¹.

The consumer protection work of local authorities aims to ensure that consumers are not deceived about the nature or quality of goods or services, and that they are not subjected to unscrupulous sales tactics or pressure selling. In some sectors, there is a history of rogue trading using high pressure selling and targeting vulnerable consumers. Local authorities deliver consumer protection and support for businesses through a range of activities, including providing consumer education and awareness, establishing trader accreditation schemes, delivering tailored advice and guidance to businesses, gathering intelligence and carrying out targeted and risk-based enforcement to tackle rogue traders and trading practices.

Specialist regional teams, including Scambusters, the Illegal Money Lending team and regional intelligence, are targeting rogue traders, working closely with local authorities in Wales, the Office of Fair Trading and the Department for Business, Innovation and Skills.



3.4 Priority 4: Improving the local environment to positively influence quality of life and promote sustainability

Wales has a historic and diverse environment in rural and urban areas that needs to be protected and enhanced for future generations. The local environment has a direct impact on communities and citizens' quality of life, including their health and wellbeing. Poor environmental quality, including that of towns, countryside and beaches, also has a detrimental effect on the tourism industry in Wales – in direct terms, tourism contributes 3.2% of whole-economy value added in Wales³².

- Poor environmental quality appears amongst the top issues raised by local residents in the Living in Wales survey³³.
- Over a quarter of the population in Wales believe that drunk or rowdy behaviour is a very or a fairly big problem in their area and 29% of 12-17 year olds in the UK report some form of anti-social behaviour after drinking³⁴.
- 55,300 incidents of fly tipping occurred across Wales in 2008-2009 and the estimated cost of clearance of illegally dumped waste reported by local authorities in 2008-2009 was £2.94 million³⁵.
- It is estimated that 480 million single use plastic bags are currently used in Wales each year and each plastic bag can take up to 500-1000 years to decompose, impacting on environmental sustainability. It has also been estimated that it costs local authorities in Wales £1 million annually to clean up plastic bag litter.
- 220,000 Welsh properties are at risk of flooding from rivers or the sea. The potential annual economic risk to residential and business properties and their contents was estimated at £200 million in April 2008. Welsh assets currently at risk of flooding, including commercial, industrial and key infrastructure, are estimated to be worth over £8 billion³⁶.
- Air pollution is estimated to cost up to £20.2 billion per annum in health costs across the UK³⁷.
- Welsh local authorities are responsible for assessing conditions for occupation in both private and social sector residential properties. In Wales, 99 dwellings were demolished or closed during 2007-2008, more than twice the 2006-2007 figure. There were 4,501 hazards to occupants identified in dwellings during 2007-2008, the most common types being excess cold and damp and mould growth. In houses of multiple occupation across Wales, the most common hazard was fire³⁸.

Local authority regulatory services deliver improvements in environmental quality under the provisions of the Clean Neighbourhoods and Environment Act and other key legislation. Welsh local authorities carried out 20,400 enforcement actions in regard to fly tipping alone in 2008-2009. Welsh local authorities are also responsible for assessing conditions for occupation in both private and social sector residential properties. The Licensing Act creates a duty on local regulatory services to prevent crime, disorder and public nuisance and promote public safety through local licensing conditions.

The Welsh Assembly Government has identified environmental sustainability and adapting to the impacts of climate change is a key priority for action. This is a growing agenda and local authorities are taking an active lead. Regulatory services have a role to play in reducing this impact through a focus on waste minimisation, flooding and other emerging threats.

Work on environment protection and quality is divided between local authorities, who have responsibility for local environmental quality issues, the Environment Agency, responsible for environmental regulation and improvements, and the Welsh Assembly Government, who provide the funding, policy and legislative basis for improvements. At a local level, regulatory services work alongside other local authority services, including housing services, social services and street wardens, and community organisations to promote clean, green, safe and secure neighbourhoods.



4.0 Using the national enforcement priorities

Local authority regulatory services in Wales operate in a changing and challenging environment, influenced by both the drive for further improvement in citizen centred public services and the drive for regulatory reform at the local level. This is during a time of immense pressure on public finances and increased demand on public services due to the global economic recession. Effective prioritisation and tough choices face all public services in Wales, including local authority regulatory services.

National enforcement priorities for regulatory services describe the Welsh Assembly Government's priorities for local regulatory delivery and highlight the positive contribution that local regulatory services, together with local and national partners, can make in delivering better outcomes that matter to citizens in Wales. The introduction of national priorities supports an increased focus on risk. The national enforcement priorities address regulatory risks across Wales that regulatory services and partners can help to control. Evidence of the risks facing the nation has been drawn from government departments, national regulators, local authorities and the views of citizens and businesses. These risks can only be effectively controlled by local authorities forming a protective shield and ensuring regulatory controls are in place in every locality.

Publishing the national enforcement priorities is only the first step in establishing a risk-based approach to regulation, and it is necessary to maintain focus on these priority outcomes through the allocation of resources, the development of service plans and delivery at the local level. LBRO and Welsh Assembly Government are committed to working alongside local authorities, the Welsh Local Government Association and national regulators and government departments to focus efforts on delivering demonstrable progress against the priorities. This is part of a holistic approach to supporting improvement in regulatory services, in which national enforcement priorities play an integral role.

4.1 Excellence in service delivery

The wider context of service improvement for regulatory services is set out in the agreed local authority regulatory services Excellence Framework³⁹. The framework builds on work across the local government sector over recent years to develop self-assessment and peer review as a means to drive service improvement. The Excellence Framework is principles-based, rather than prescriptive, and is intended to empower local authorities to take responsibility for their performance. It prompts a move away from a compliance-based approach towards a focus on outcomes, enabling local authority regulatory services to maximise their contribution to nationally and locally important outcomes articulated through the national enforcement priorities and Local Delivery Agreements in Wales.

The four themes of the Excellence Framework cover leadership and strategy, customer focus, resource management and achievement of sustainable outcomes. As the overarching statement of the characteristics of a high performing local authority regulatory service, the framework is intended to be used as the guide to quality in service delivery by local authorities and as the reference point for national regulators and central government departments.

The framework was launched in Wales in March 2010 marking an important milestone of shared agreement amongst local and national regulators and a means to promote the culture change required to deliver outcome focused services that deliver prosperity and protection.

4.2 Measuring the outcomes and impact of regulatory activity

The potential economic, social and environmental impact of regulatory activity make local authority regulatory services an invaluable part of local solutions. However, regulatory services traditionally attract little attention and may have a low profile in priority setting. This may be due to the fact that there is a shortage of systematic knowledge about the outcomes and impacts of regulatory activities and that it is often difficult to measure, prove and illustrate the positive contributions they make at the local level. Against a background of increasing responsibility for local authorities and tightening local budgets, local authority regulatory services need to be increasingly prepared to measure their impact on stakeholders and demonstrate that their activities create benefits and outcomes for local businesses and the communities.

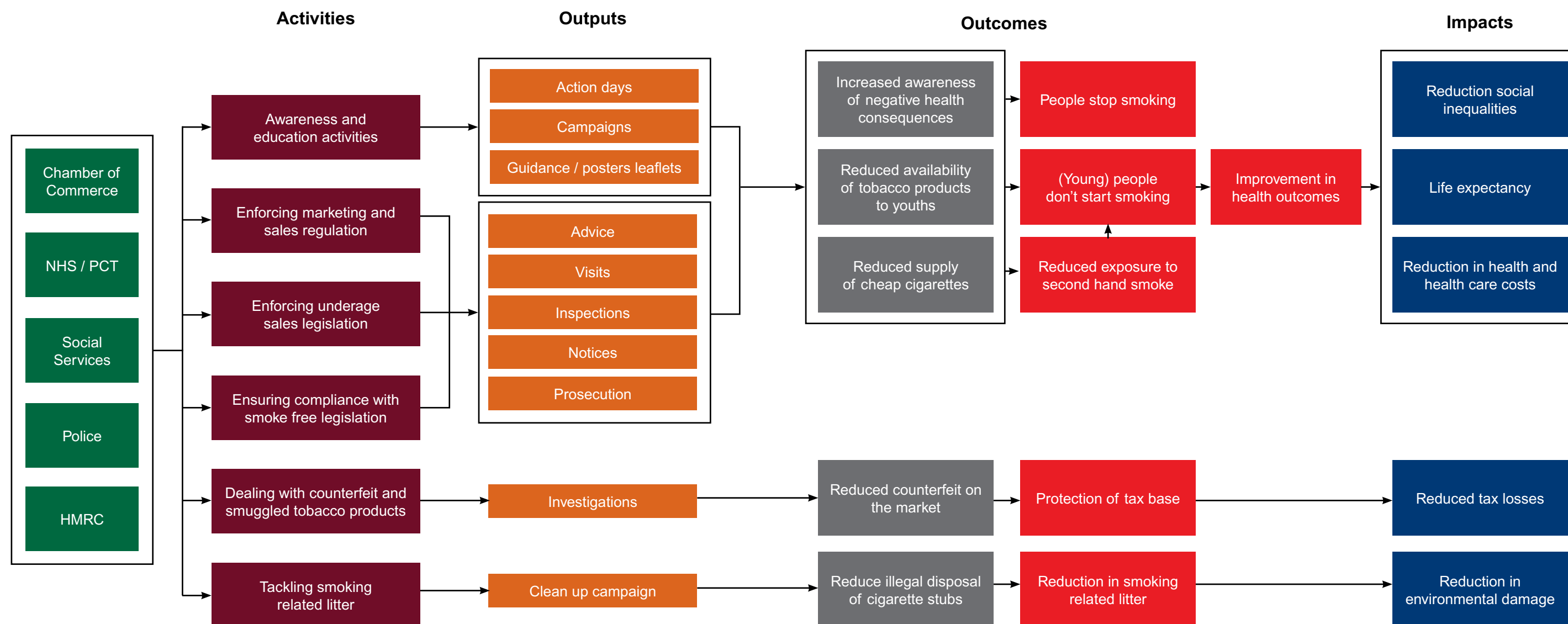
The national enforcement priorities set out outcomes that all local authority regulatory services should have regard to in service planning and resource setting. They do not set out the activities or tools that regulatory services should use to contribute to these outcomes. Local authorities and local service boards are best placed to understand and respond to issues facing local communities. Information gathered by regulatory services through citizens and business surveys, complaints analysis, local analysis of risk and the views of local elected members will inform local priorities. This allows local authorities to shape their activity under the national enforcement priorities to reflect local needs and circumstances.

To help local authorities identify the regulatory activities that will deliver the national enforcement priorities and meet the needs of their communities, LBRO has published a step by step guide to the development of meaningful indicators to assess the outcomes and impacts of operations. This toolkit gives a process for building a robust evidence base to quantify the benefits of activities to local businesses and consumers. It can be found on the LBRO website www.lbro.org.uk together with supporting resources. One example of the pathways used to identify the linkages between resources and outcomes is shown in Figure 2.

LBRO and Welsh Assembly Government will continue to offer training to local authorities in the use of the tool and continue work with the national enforcement priorities expert user group to explore appropriate means to measure progress against the priorities.



Figure 2:
A simplified representation of the outcomes and impacts
of regulatory activity concerning tobacco



Legend

Partner	Intermediate Outcome
LARS Activity	Outcome
Outputs	Impacts

References

- ¹ One Wales, the agreement between the Welsh Labour Party and Plaid Cymru, sets the agenda for the government of Wales to transform Wales into a self-confident, prosperous, healthy nation and society, which is fair to all.
- ² The Strategic Framework sets out the strategic outcomes that the Welsh Assembly Government wants to achieve. It is part of the Information to Deliver Excellence, Accountability and Success (IDEAS) programme, a new process for performance management. This allows the Assembly Government to track spending and performance, providing the ability to make better decisions on priorities and use resources in the most effective way.
- ³ Regulatory Enforcement and Sanctions Act 2008, section 11 (1)
- ⁴ Regulatory Enforcement and Sanctions Act 2008, section 11 (2)
- ⁵ The definition of regulatory services for the purposes of national enforcement priorities is defined by Schedule 3, Regulatory Enforcement and Sanctions Act 2008.
- ⁶ Welsh Assembly Government, Inspection, Audit and Regulation in Wales Policy Statement, available at <http://wales.gov.uk/consultations/improving/inspectionaudit/?lang=en>
- ⁷ Part 3 of the Regulatory Enforcement and Sanctions Act 2008 provides for use of a wider range of 'Macrory' sanctions as regulators prove their capability to follow better regulation principles. All provisions of the Regulatory Enforcement and Sanctions Act apply to Wales.
- ⁸ The majority of consumer protection legislation is reserved.
- ⁹ These are set up variously as executive agencies, non-departmental public bodies, government departments and non-ministerial government departments.
- ¹⁰ Health Statistics Wales 2009, published by the Welsh Assembly Government, available at <http://new.wales.gov.uk/topics/statistics/publications/health2009/?lang=en>
- ¹¹ Health Statistics Wales 2009, published by the Welsh Assembly Government, available at <http://new.wales.gov.uk/topics/statistics/publications/health2009/?lang=en>
- ¹² Information cited by Home Office and Welsh Assembly Government in evidence submission.
- ¹³ Data provided by the Health and Safety Executive (Figures rounded)
- ¹⁴ Local Government Data Unit-Wales, Welsh Housing Statistics 2008, available at http://www.dataunitwales.gov.uk/Documents/Publications/lgd02010_Welsh_Housing_Statistics_2008_v2_eng.pdf
- ¹⁵ Animal Health, detailed in the Animal Health and Welfare Framework Agreement,
- ¹⁶ Due to a change of profile in 2009-2010, critical control points include markets, ports, dealers, slaughterhouses and shows. Data provided by Animal Health.
- ¹⁷ The Public Inquiry into the September 2005 Outbreak of E. Coli O157 in South Wales, available at <http://wales.gov.uk/ecoliinquiry/report/?lang=en>
- ¹⁸ Food Standards Agency, Food Borne Disease Burden / Severity Data 2007
- ¹⁹ Blake, Thea Sinclair and Sugiyarto, The economy-wide effects of foot and mouth disease in the UK economy, University of Nottingham, 2001, cited by Food Standards Agency (Wales)
- ²⁰ Information provided by the Food Standards Agency (Wales)
- ²¹ Information from <http://www.literacytrust.org.uk/policy/Wales.html#adults>
- ²² Information cited by Federation of Small Businesses Wales, found at <http://www.fsb.org.uk/policy/rpu/wales/images/FSB%20Quango%20Merger%20Response.pdf>
- ²³ Welsh Assembly Government, Size Analysis of Welsh Business, 2006, available at www.wales.gov.uk/statistics

- ²⁴ Welsh Assembly Government, Deputy Ministers Review of Over-indebtedness in Wales 2005, available at <http://www.new.wales.gov.uk/topics/housingandcommunity/regeneration/publications/overindebtedness;jsessionid=XLW8KvCQmlj2Jy7FhgX0XKGB6WyhmqTTCYsSkG7zvgMfnrRZvvypl-973246136?cr=7&lang=en>
- ²⁵ Office of Fair Trading, Consumer Detriment - Assessing the Frequency and Impact of Consumer Problems with Goods and Services, April 2008. Almost one-in-five of the problems result in losses of more than £100 and they account for 97% of the detriment.
- ²⁶ Information provided by Consumer and Competition Policy directorate, Department for Business, Innovation and Skills
- ²⁷ Office of Fair Trading, Trading Standards Impact: An Evaluation of the Impact of the Fair Trading Work of Local Authority Trading Standards Services in the UK, June 2009
- ²⁸ Data from e-crime Wales, accessed at <http://www.ecrimewales.com/server.php?show=nav.8859> (Latest figures)
- ²⁹ RAPEX statistics, January to October 2009 report
- ³⁰ HASS and LASS Annual Report 2002, available at <http://www.hassandlass.org.uk/query/reports.htm>
- ³¹ R. Lambert (Department for Innovation, Universities and Skills) and P. Temple (University of Surrey, The Economics of Weights and Measures in the UK, accessed at http://www.nmo.bis.gov.uk/documents/economic_analysis_final_report.doc,
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- ³³ Welsh Assembly Government, StatsWales, People taking action to improve the environment: issues of most concern, available at <http://www.statswales.wales.gov.uk/TableViewer?tableView.aspx?ReportId=5306>
- ³⁴ Home Office, Offending Crime and Justice Survey 2005, available at http://www.homeoffice.gov.uk/rds/offending_survey.html
- ³⁵ Welsh Assembly Government, Fly tipping in Wales in 2008-2009, October 2009, compiled using data from Flycapture. Flycapture is the national database of fly-tipping incidents and enforcement action that was set up by DEFRA, the Environment Agency and the Local Government Association to record the incidents and cost of illegally dumped waste dealt with by local authorities. This data relates to activity by Welsh local authorities.
- ³⁶ Data provided by Environment Agency Wales
- ³⁷ Data provided by the Environment Agency Wales
- ³⁸ Local Government Data Unit-Wales, Welsh Housing Statistics 2008, available at http://www.dataunitwales.gov.uk/Documents/Publications/lgd02010_Welsh_Housing_Statistics_2008_v2_eng.pdf
- ³⁹ The Excellence Framework builds on work across the local government sector over recent years to develop self-assessment and peer review as a means to drive service improvement. Against this background LBRO, on behalf of the Coalition for better local regulation including the Welsh Assembly Government, set out to build a consensus amongst local and national regulators on the characteristics of good quality local authority regulatory services. It was recognised that this should be done through the existing partnership between LACoRS, LBRO, CIEH, TSI and the Beacon Authorities, Coventry City Council and Westminster City Council, in the Regulatory Services Peer Challenge project to develop and pilot the framework and assessment with local authorities across England and Wales. The framework can be found at <http://www.lbro.org.uk/docs/lars-excellence-framework.pdf>