

**Data Collections:
Annex**

**Report to the
Welsh Regulators'
Forum**

LBRO
Prosperity and Protection



**Creating Efficient Information Exchange
Between Regulators and With Citizens**

Data Collections Project

Supplementary Volume

Report to the Welsh Regulators' Forum

September 2011

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Summary of Method and Approach

1. The Welsh Regulators' Forum agreed three high level outcomes for the project:
 1. To find ways to free up scarce resources for frontline regulatory services, primarily through keeping the additional administrative burden on local regulatory services of data reporting to a minimum;
 2. To foster effective working across the national and local parts of the regulatory system, through creating mutual understanding of why data is collected and the use to which it is put;
 3. To provide accessible information for citizens and businesses, through finding ways to support the assessment of regulatory performance in a streamlined, outcomes-focused way.
2. The project was split into two approaches: the approach to keeping the burdens of data collection to a minimum and fostering better understanding between local and national parts of the system, and the approach to finding ways to measure performance that could be made transparent to citizens and businesses. Each is described in turn below.

Objectives 1 and 2

3. The data collections element was tackled by asking collecting bodies, referred to as 'central bodies' throughout the report, to set out their reasons for collecting information from local authorities. In parallel, and at the same level of detail, three local authorities gave their views on why they collect information and in what ways central information requests are burdensome. These three local authorities sat on a steering group convened to provide local input to this project, alongside the Welsh Local Government Association and the Data Unit. Further details about the composition of the steering group and the central bodies that were involved can be found in the main report.
4. The central bodies gave their reasons for collecting information from a list of categories, set out in the table overleaf. These categories were selected to ensure consistency with a similar exercise being conducted in England by the Department for Communities and Local Government to develop a 'single data list' of collections from central government to local authorities¹. Whilst this exercise has no bearing in Wales, several of the organizations on the Welsh Regulators' Forum span England and Wales or are UK-wide. It was felt that this project should be consistent so that their input to this project could be re-used, in order to keep the burdens on those organizations to a minimum.
5. However the category 'effective regulation and enforcement' was included specifically for this project following feedback from several of the organizations involved that a category was needed to capture the local and national relationships needed to deliver regulation.

¹ See <http://www.communities.gov.uk/localgovernment/decentralisation/tacklingburdens/databurdens/> This has since been broadened out by an exercise being done by HM Treasury to cost data collections within the public sector, part of the public sector deregulation project now being managed by them and the Cabinet Office.

Table 1. Categories for central data collection

Central body reasons for data collection	Description
1. Government Accountability	Departmental indicators to enable central government to be held to account by public
2. National Interest	Protect national interest where local accountability is insufficient. Data that is not badged as a national statistic but which departments want to be collated and published on a national basis where because of either their subject or cross authority nature local publication would not ensure sufficient accountability.
3. National Level Statistics	Aggregation into national level statistics
4. Legal Obligations	Fulfil legal obligations under EU and international law and directives, and domestic law
5. Local Accountability	Required to be published by all local authorities to support local accountability. Data that Departments want a local authority to collect and published locally but not to submitted to the Department.
6. Administration of Funding	Required to support effective administration of funding
7. Effective Regulation and Enforcement	Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

6. The local authorities gave their reasons why they hold this data from a set of categories agreed by the steering group as covering the range of possible uses, and these are listed in the table below.

Table 2. Categories for local use of data

Local authority reasons for holding this data
Improving service quality and effectiveness
Monitoring resource use (finance)
Monitoring resource use (staff)
Monitoring staff performance
Planning interventions
Risk assessment
Accountability to elected members
Annual service planning and budgeting
Statutory requirement for a Public Register

7. A standard spreadsheet was created by the LBRO team, breaking down the data collections into smaller portions so that both the central bodies and the local authorities could comment on them at the same level of detail. In some cases, it was not necessary to break returns down into their constituent parts and these were dealt with at the level of the 'whole return'. LBRO briefed the central bodies on the process and they then worked individually to submit their responses through populating the spreadsheet and also by providing a more detailed narrative explanation.
8. The process for gaining local authority input was based around meetings of the steering group, facilitated by LBRO, and individual work by the three local authorities to populate the spreadsheet. The steering group meetings provided opportunities to sense-check both the process and the findings.

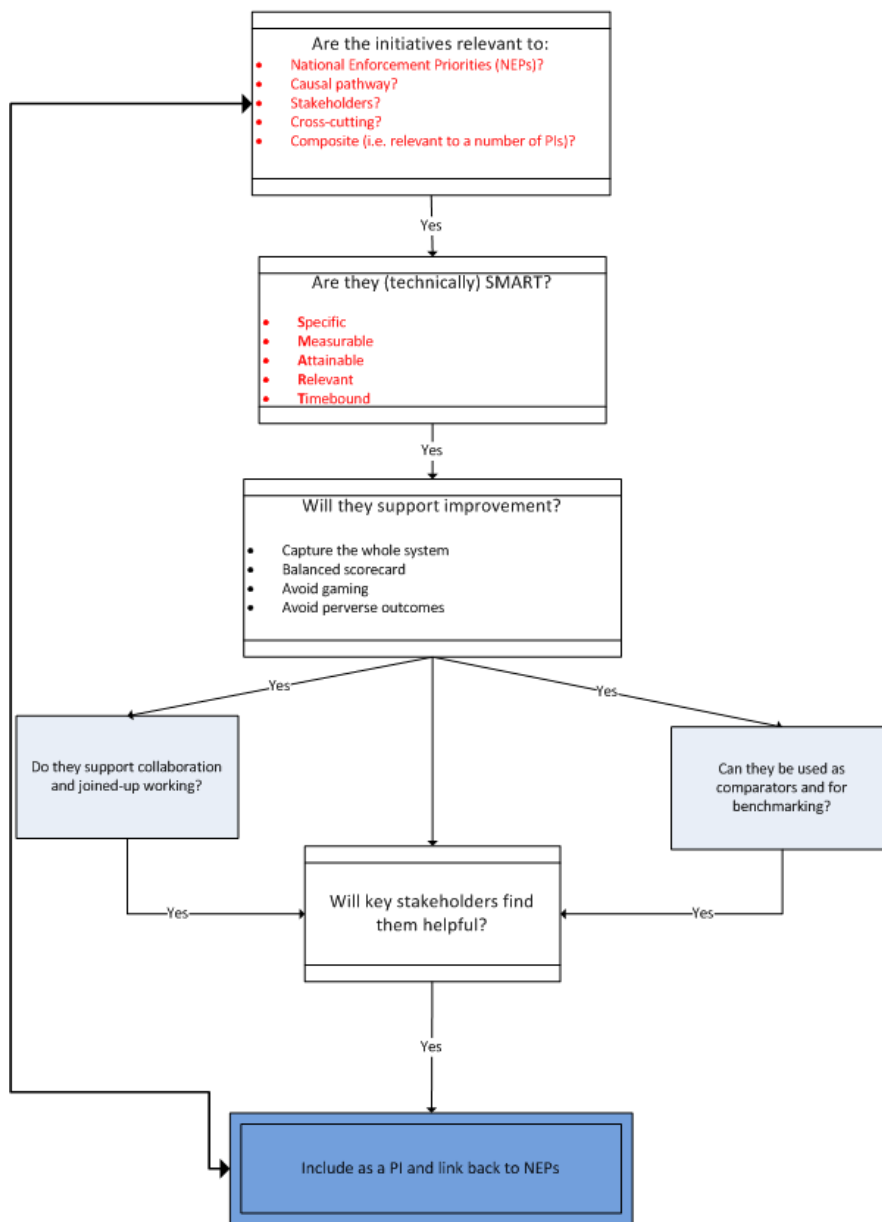
9. This phase of the project lasted from November 2010 to February 2011. The spreadsheets will be made available alongside the report and this supplementary volume.

Objective 3

10. The performance measures element was tackled through a workshop facilitated by RAND Europe, commissioned by LBRO to produce the Impact and Outcomes Toolkit for local authority regulatory services². The workshop took place with the local authority steering group and the results are presented in the main report.

11. To give an insight into how performance indicators could be selected, RAND Europe produced the following flow chart.

Filtering performance indicators (PIs) for inclusion in a “dashboard”



² <http://www.lbro.org.uk/resources/delivering-sustainable-outcomes.html>

1. Finding Ways to Free up Frontline Resources – Supporting Analysis

1.1 This Chapter contains the summaries of local authority views on each data collection in terms of efficiency and ease of processing the requested data. It is organized by central body for ease of reference, and each summary shows how many local authorities provided views and provides the specific elements identified as posing issues.

Summary of Local Authority Responses on Wales Performance Indicators

Returns in scope:	Local authority responses
1. PPN/001 Programmed Inspections of High Risk Businesses	3
2. PPN/007 Significant breaches rectified	3
3. PPN/008 New businesses subject to enforcement activity	3
4. PPN/1011 'Broadly compliant' food businesses	3
5. STS/007 Enforcement activity – fly tipping	3

1.2 The relevant extract(s) from the return(s) and local authority comments where applicable are set out in detail below.

Collection of the data is duplicated

Requirement	Service Area	Local Authority Comment [<i>LBRO notes</i>]
PPN/001 Programmed inspections of high risk businesses <i>and</i> PPN/008 New businesses subject to enforcement activity	Trading Standards	This data is also entered on the WHoTS PI return
PPN/001 Programmed inspections of high risk businesses <i>and</i> PPN/008 New businesses subject to enforcement activity	Food Hygiene	This data is also part of the FSA LAEMS return but has to be processed differently for that return.
PPN/001 Programmed inspections of high risk businesses <i>and</i> PPN/008 New businesses subject to enforcement activity	Animal Health	For authorities where Animal Health is enforced by Trading Standards, this data is also entered on the WHoTS PI return.
PPN/001 Programmed inspections of high risk businesses <i>and</i> PPN/008 New businesses subject to enforcement activity	Health and Safety	No connection with HandSE LAE1 return but is connected to LAC67/3 Risk Assessment Scheme.
PPN/007 % Significant breaches rectified by enforcement activity	Trading Standards and Animal Health	Trading Standards. This data is also entered on the WHoTS PI return. Animal Health. For authorities where AH is enforced by TS, this data is also entered on the WHoTS PI return.
PPN/1011 'Broadly Compliant' food businesses		This data is also required in the FSA LAEMS return.
STS/007 Fly tipping incidents which lead to enforcement activity		Flycapture requires separate input of data

The data is held or collected by the local authority but must be processed/ manipulated for the purposes of the return

1.3 In respect of returns PPN/001, Programmed Inspections of High Risk Businesses, and PPN/008 New Businesses subject to Enforcement Activity, local authorities noted that this information is also submitted as part of the FSA LAEMS Food Hygiene return but has to be processed differently for each return.

Requirement	Local Authority Comment [<i>LBRO notes</i>]
PPN/008 New businesses subject to enforcement activity	This data would not be held or collected in relation to Trading Standards, Animal Health or Health and Safety functions but would be held or collected in relation to Food Hygiene.

Summary of Local Authority Responses on Food Standards Agency Returns

Returns in scope:	Local authority responses
1. LAEMS Food Hygiene	3
2. LAEMS Food Standards	2
3. LAEMS Imported Food	2 incomplete responses ³
4. Animal Feed	2
5. Approved Feed Premises	3
6. Approved Food Premises	3

1.4 No issues were identified by local authorities with Approved Feed Premises and Approved Food Premises. The efficiency issues identified with the remaining returns were as follows:

1.5 The FSA identified the primary purpose for collecting all of the data in each of the returns as 'Effective Regulation and Enforcement'. 'Legal Obligations' was identified as a secondary purpose.

Original work (interpretation/ explanation) is required by the return

LAEMS: Food Hygiene and Food Standards (Mandatory)

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Screens FH1.3 and FS1.3	Comments on other statutory duties (text box) General Comments on other areas of work related to food (text box)	This is original work just for the LAEMS return Provided to the FSA for dissemination of best practice etc.

³ Local authorities noted that they are not a 'port authority'

Collection of the data is duplicated

LAEMS: Food Hygiene (Mandatory)

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Screen FH1.2	No. of FTE posts allocated to FH as at 1st April – professional/ administration	Covered by CIPFA return and annual food law service plan. The service plan is not a return but a requirement of the FSA/LA framework agreement. [<i>See local authority would not hold or collect this data above. NOTE: CIPFA 2009/10 return (s2.8) asks for % staff time dedicated to Environmental Health</i>]
Screen FH2.1	No. of Premises as at 31st March 200X, by type of premises	Partial collection by CIPFA. [<i>NOTE: CIPFA 2009/10 return (s6.18) asks for number of food premises subject to local authority inspection at 1st April 2009</i>]
Screen FH2.1	No. of Verification and Surveillance visits, by type of premises	Partial collection by CIPFA (Complaints) [<i>See onerous level of detail below. NOTE: CIPFA 2009/10 return (s7.65) asks for number of inspections carried out</i>]
Screen FH2.1	No. of Inspections and Audits visits, by type of premises	Data also collected for WG PI's but only relates to high risk interventions. Partial collection by CIPFA [<i>NOTE: CIPFA 2009/10 return (s7.65) asks for number of inspections carried out</i>]
Screen FH2.1	Number of interventions achieved, by premises rating	Data collected for WG PI (PPN/001) for high risk premises only
Screen FH2.5	No. of premises at 1st April, by premises type and by premises rating	Partial collection by CIPFA. (This data would not normally be collected by premises type) [<i>See onerous level of detail below. NOTE: CIPFA 2009/10 return (s6.18) asks for number of food premises subject to local authority inspection at 1st April 2009</i>]
Screen FH3.1	No. of establishments subject to emergency prohibition notice, by premises type No. of establishments subject to prohibition order, by premises type No. of establishments subject to simple caution, by premises type No. of establishments subject to improvement notices, by premises type No. of establishments (approved premises) subject to remedial action and detention notices, by premises type No. of establishments subject to written warnings, by premises type No. of prosecutions concluded, by premises type	Partial collection by CIPFA. (This data would not normally be collected by premises type) [<i>See onerous level of detail below. NOTE: CIPFA 2009/10 return (s7) asks for numbers of: written warnings; hygiene improvement notices; emergency prohibition notices; hygiene prohibition orders; summonses served; and simple cautions given</i>]
Screen FH4.1	Number of food hygiene complaints	CIPFA [<i>NOTE: CIPFA 2009/10 return (s7.64) asks for number of complaints and requests for service which required a response</i>]
Screen FH6.1	Total premises, with breakdown of those broadly compliant	The introduction of a new WG unit PI will be the same as this. (but only relates to high risk inspections?)

Screen FH6.1	No. of due interventions, with breakdown of those achieved	Data required is similar to but not the same as WG PI PPN/001 (only relates to high risk inspections?)
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LAEMS: Food Standards (Mandatory)

[NOTE: the local authority responses in relation to the Food Standards return were less detailed than those received for the Food Hygiene return]

Ref.	Requirement	Local Authority Comment [LBRO notes]
Screen FS3.1	No. of establishments subject to simple caution, by premises type	[NOTE: Highlighted as duplication by a local authority but the duplication was not specified. It is possible that this could relate to the CIPFA 2009/10 return (s8.35) which asks for the number of simple cautions given.]

The data is held or collected by the local authority but must be processed/ manipulated for the purposes of the return

1.6 The issue of uploading and validating the data was identified by local authorities in relation to all of the LAEMS returns. One local authority identified that processing was carried out automatically by their Flare database but that code mapping must be done (and maintained) manually. One local authority noted in relation to the LAEMS Imported Food return that different codings are required for the data entry.

The return requires an overly onerous level of detail

LAEMS: Food Hygiene (Mandatory)

Ref.	Requirement	Local Authority Comment [LBRO notes]
Screen FH2.1	Number of due interventions outstanding at year end, by premises type	This data is collected by risk rating, not by premises type.
Screen FH2.2	Level of food hygiene and safety compliance: no of premises on LA's database, by score and by risk rating	
Screen FH2.3	Level of structural compliance: no of premises on LA's database, by score and by risk rating	
Screen FH2.4	Confidence in management/control systems: no of premises on LA's database, by score and by risk rating	
Screen FH2.5	No. of premises at 1st April, by premises type and by premises rating	This data would not normally be collected by premises type. [See collection of the data is duplicated above]

Screen FH3.1	<p>No. of establishments subject to emergency prohibition notice, by premises type</p> <p>No. of establishments subject to prohibition order, by premises type</p> <p>No. of establishments subject to simple caution, by premises type</p> <p>No. of establishments subject to improvement notices, by premises type</p> <p>No. of establishments (approved premises) subject to remedial action and detention notices, by premises type</p> <p>No. of establishments subject to seizure, detention and surrender of food, by premises type</p> <p>No. of establishments subject to voluntary closure during the financial year, by premises type</p> <p>No. of establishments subject to suspension/revocation of approval or license, by premises type</p> <p>No. of establishments subject to written warnings, by premises type</p> <p>No. of prosecutions concluded, by premises type</p> <p>No. of convictions secured, by premises type</p>	<p>This data would not normally be collected by premises type. At a local authority level the data has no significance. [See collection of the data is duplicated above]</p>
Screen FH3.2	<p>Enforcement reasons for:</p> <p>labelling and presentation offences, by type of premises</p> <p>other offences, by type of premises</p> <p>food quality under other leg., by type of premises</p> <p>general hygiene offences, by type of premises</p> <p>composition offences, by type of premises</p> <p>hygiene offences, by type of premises</p>	<p>Onerous additional data requirements (FSA agreed to remove) [See local authority would not hold or collect the data above]</p>

LAEMS: Food Standards (Mandatory)

Ref.	Requirement	Local Authority Comment [LBRO notes]
Screen FS2.1	<p>No. of Verification and Surveillance visits, by type of premises</p> <p>No. of Sampling visits, by type of premises</p>	<p>The detailed breakdown of the types of intervention required is too detailed. Analysis of interventions is necessary but, for the purposes of the local authority, not in the detail asked for. [See local authority would not hold or collect the data and collection of the data is duplicated above]</p>
Screen FS2.3	Confidence in management/control systems: no of premises on LA's database, by score and by risk rating	
Screen FS2.4	Confidence in business' control systems (the local element): no of premises on LA's database, by score and by risk rating	

Screen FH3.1	No. of establishments subject to written warnings, by premises type	
Screen FS3.2	Breakdown of enforcement actions by nature of offence and by type of premises	

Animal Feed (Mandatory)

Requirement	Local Authority Comment [<i>LBRO notes</i>]
No. of premises given advice in the financial year, by type of premises	We would not look to breakdown the data by premise type etc
No. of sampling visits, by type of premises	We would not look to breakdown the data by premise type etc

LAEMS: Food Hygiene (Mandatory)

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Screen FH1.2	No. of FTE posts allocated to FH as at 1st April – professional/ administration	The service plan is not a return but a requirement of the FSA/LA framework agreement. Local authority staff resources are not categorised in this rigid way. Staff are shared across regulatory functions. [See collection of the data is duplicated below]
Screen FH2.1	No. of Advice and Education Visits, by type of premises. No. of Information/Intelligence gathering visits, by type of premises. No. of premises subject to official control (2) at least once in the financial year, by type of premises.	Requirement on FSA to provide to EU. Data can only be extracted via LAEMS
Screen FH3.2	Enforcement <i>reasons</i> for offences, by nature of offence and type of premises	Onerous additional data requirements (FSA agreed to remove) [See onerous level of detail below. NOTE: Wording amended by LA from 'actions' to 'reasons' – to check accuracy of this wording.]
Screen FH5.1	Microbiological contamination: No. which lead to prosecution, by type of sample Other contamination: data in relation to samples taken, unsatisfactory samples, and no. which lead to prosecution, by type of sample. Others: data in relation to samples taken, unsatisfactory samples, and no. which lead to prosecution, by type of sample. No. of premises from which official samples taken	The introduction of FSA's Food Surveillance Sampling System may remove this requirement in the future.
Screen FH6.1	Performance Indicator (% of premises which are broadly compliant * 0.7) + (% of due interventions achieved * 0.3)	Data calculated automatically by LAEMS

LAEMS: Food Standards (Mandatory)

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Screen FS1.2	No. of FTE posts allocated to FS as at 1st April – professional/ administration	The Food function is split out only for the purposes of the Food Plan. Local authority staff resources are not categorised in this rigid way. Staff are shared across regulatory functions. [See collection of the data is duplicated below]
Screen FS2.1	No. of Verification and Surveillance visits, by type of premises No. of Sampling visits, by type of premises No. of Advice and Education Visits, by type of premises. No. of Information/Intelligence gathering visits, by type of premises.	The detailed breakdown of the types of intervention required is too detailed. Analysis of interventions is necessary but, for the purposes of the local authority, not in the detail asked for. [See collection of the data is duplicated below]
Screen FS4.1	Number of food premises for which complaints were received	
Screen FS5.1	Other contamination: data in relation to samples taken, unsatisfactory samples, and no. which lead to prosecution, by type of sample. Composition: data in relation to samples taken, unsatisfactory samples, and no. which lead to prosecution, by type of sample. Labelling and presentation: data in relation to samples taken, unsatisfactory samples, and no. which lead to prosecution, by type of sample. Others: data in relation to samples taken, unsatisfactory samples, and no. which lead to prosecution, by type of sample.	

Summary of Local Authority Responses on Health and Safety Executive Returns

Returns in scope:

1. LAE1
2. Return of Conviction

Local authority responses

- 2
- 3

- 1.7 No issues were identified by local authorities with the HSE's Return of Convictions. The efficiency issues identified with the HSE's LAE1 return were as follows:

Original work (interpretation/ explanation) is required by the return

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Part C, Qu. 4a	Detail of health and safety projects, initiatives, FIT 3	This is original work just for the LAE1 return [See <i>collection of the data is duplicated below</i>]
Part C, Qu. 4b	Enforcement issues identified where there is a need for better guidance	This is original work just for the LAE1 return Enforcement issues usually discussed at Task Groups and Tech Panels
Part C, Qu. 4c	Explanatory text for any significant changes in activity from previous year	This is original work just for the LAE1 return [See <i>collection of the data is duplicated below</i>]

1.8 The HSE identified the primary purpose for collecting this data as 'Effective Regulation and Enforcement'.

Collection of the data is duplicated

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Part A, Table 1	Enforcement activities, by type of premises	Data also collected for WG PI's but only relates to high risk inspections. [See <i>data must be processed for the return and onerous level of detail below</i>]
Part C, Qu. 4a	Detail of health and safety projects, initiatives, FIT 3	[See <i>original work above</i>]
Part C, Qu. 4c	Explanatory text for any significant changes in activity from previous year	Information provided for WG PI's [See <i>original work above</i>]

1.9 The HSE identified the primary purpose for collecting this data as 'Effective Regulation and Enforcement'.

The data is held or collected by the local authority but must be processed/ manipulated for the purposes of the return

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Part A, Table 1	Enforcement activities, by type of premises	The data is held but requires processing for the return. [See <i>collection of the data is duplicated and onerous level of detail below</i>]
Part A, Table 2a	Detailed analysis of staff resources devoted to HandS enforcement work	The data is held but requires processing for the return [See <i>local authority would not hold or collect this data above and onerous level of detail below</i>]
Part B, Table 3	Number of enforcement actions, by type of action and by type of premises	The data is held but requires processing for the return. [See <i>onerous level of detail below</i>]

1.10 The HSE identified the primary purpose for collecting the data in Part A as 'Effective Regulation and Enforcement'. The primary purpose for collecting the data in Part B was identified as 'National Level Statistics' whilst 'Effective Regulation and Enforcement' was identified as a secondary purpose.

The return requires an overly onerous level of detail

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Part A, Table 1	Enforcement activities, by type of premises	Data collected for High Risk inspections. Not collected routinely by premise type. [<i>See collection of the data is duplicated and data must be processed for the return above</i>]
Part A, Table 2a	Detailed analysis of staff resources devoted to HandS enforcement work	The data is held but requires more detailed analysis for the return than for the Service Plan. [<i>See local authority would not hold or collect this data and data must be processed for the return above</i>]
Part B, Table 3	Number of enforcement actions, by type of action and by type of premises	This data is not usually provided by premise type. [<i>See data must be processed for the return above</i>]

1.11 The HSE identified the primary purpose for collecting the data in Part A as 'Effective Regulation and Enforcement'. The primary purpose for collecting the data in Part B was identified as 'National Level Statistics' whilst 'Effective Regulation and Enforcement' was identified as a secondary purpose.

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Part A, Table 2a	Detailed analysis of staff resources devoted to HandS enforcement work	Local authority staff resources are not categorised in this rigid way. Staff are shared across regulatory functions.
Part A, Qu. 2b	Number of vacancies not covered by temps/contractors or agency staff	
Part A, Qu. 2c	Number of FTE posts vacant	

1.12 The HSE identified the primary purpose for collecting this data as 'Effective Regulation and Enforcement'.

1.13 HSE noted that they are reviewing LAE1 – further details in Part 2.

Summary of Local Authority Responses on Office of Fair Trading Returns

Returns in scope:

Local authority responses

- | | |
|---|---|
| 1. Consumer Regulations Website/Central Register of Convictions (NIP, Return of convictions and Formal Cautions return) | 3 |
| 2. Enterprise Act: Notice of intended proceedings (CRW) | 3 |
| 3. Consumer Credit Licence (views on application) | 3 |
| 4. Intelligence Management database (Memex) | 3 |

1.14 No issues were identified by the local authorities with the OFT returns in scope. All were identified by the local authorities as being data sharing tools and they were not perceived to be 'data collections'.

Summary of Local Authority Responses on Welsh Government (Animal Health) Returns

Returns in scope:	Local authority responses
1. WT22 (Welfare of Animals in Transport)	2
2. Animal Health 134	3
3. Service Delivery Plan – Animal Health Framework	3
4. Profile – Animal Health Framework	3

1.15 The efficiency issues identified with these returns were as follows:

Original work (interpretation/ explanation) is required by the return

- 1.16 The voluntary Animal Health and Welfare Framework local authority profile and service delivery plan was identified by local authorities as requiring original work, required only for the purposes of the return. Its current status was felt to be in question.
- 1.17 The Welsh Government identified the primary purpose for collecting this data as ‘Effective Regulation and Enforcement’, with a secondary purpose of ‘Local Accountability’ also being identified.

Collection of the data is duplicated

- 1.18 The mandatory WT22 (Welfare of Animals in Transport) return was identified by local authorities as requiring only data that local authorities already input into the AMES database. It was therefore noted that there is no need for local authorities to process this data again for the purposes of this return as it is available for extraction from the AMES database.
- 1.19 The Welsh Government identified the primary purpose for collecting this data as ‘Legal Obligations’, with a secondary purpose of ‘Government Accountability’ also being identified.

The frequency of the return does not suit the local authority

- 1.20 The mandatory AH134 – Return of Convictions return, which is required on a six-monthly basis, was identified by local authorities as being too frequent.
- 1.21 The Welsh Government identified the primary purpose for collecting this data as ‘Legal Obligations’, with a secondary purpose of ‘Government Accountability’ also being identified.

The data is held or collected by the local authority but must be processed/ manipulated for the purposes of the return

- 1.22 Local authorities noted that all of the returns in this category require data to be processed or manipulated for the purposes of the return in a way that it would not otherwise be processed or manipulated.

Summary of Local Authority Responses on Welsh Government (Environment) Returns

Returns in scope:	Local authority responses ⁴
1. Hazards and Licences Return	2
2. Local Pollution Control Statistical Survey	2
3. Fixed Penalties	2
4. Flycapture	2

(Note: Local Air Quality Management was also in scope and was looked at in detail by one local authority. In discussion it was agreed however that this return is quite different from the others as it is effectively the local authority's assessment and thus a direct output of local authority measurement and other activities.)

1.23 No issues were identified by local authorities with the mandatory Fixed Penalties return. The Flycapture database, which requires monthly data input, was felt to be of value to local authorities and the frequency of data input was not an issue as the data is collected internally on a monthly basis. The efficiency issues identified with the remaining returns were as follows:

Collection of the data is duplicated

Hazards and Licences Return (Voluntary)

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Table 1	Assessments and resolved hazards: Number of dwellings and HMOs identified as containing cat. 1 and cat. 2 hazards	The Cat.1 data is required to inform a national PI. Cat. 2 data would not otherwise be collected. <i>[see local authority would not hold or collect this data above]</i>
Table 3	Numbers of HMO licences, licences issued and removed	A proportion of this data is required to inform a national PI.

Flycapture (Mandatory)

1.24 Local authorities noted that some of the data required by Flycapture is also submitted to Data Unit Wales.

The data is held or collected by the local authority but must be processed/ manipulated for the purposes of the return

1.25 The issue of processing data in a way that it would not otherwise be processed or manipulated was identified by local authorities in relation to the Hazards and Licences Return.

The return requires an overly onerous level of detail

Local Pollution Control Statistical Survey (Mandatory)

1.26 In relation to this return, one local authority commented that the top level data is of value but that the level of detailed breakdown required by the return is not required for the local authority's purposes.

⁴ These returns were looked at in detail by one local authority, and a second authority then concurred with the comments. LBRO was not able to fully validate the responses to these returns due to time constraints.

1.27 The Welsh Government noted that a number of these requirements are being removed from the 2010/2011 return, and these have been highlighted and marked with an asterisk in the table below.

Ref.	Requirement
Qu. 1.1 and 1.2	No. of duly made applications for new B installation permits, with breakdown Decisions for permit applications, permitted/ refused
Qu. 2.1 and 2.2	No. of duly made applications for substantial changes to Part B permits, with breakdown* Decisions for substantial change applications, permitted/ refused*
Qu. 3.2 and 3.3	No of B permits surrendered or revoked, or partially surrendered or revoked, during year, by type
Qu. 4.1, 4.2 and 4.4	Variation notices issued on B installations Variation notices on B installations with substantial change Number of notices issued, enforcement/ suspension
Qu. 5.2 to 5.7	No. of inspections in connection with applications for permit/ for substantial change No. of inspections, by type of installation and duration of visit No. of inspections not in connection with applications, by reason Number of permits granted in last 6 months, with explanation Number of mobile plants not inspected, with explanation Number of permits revoked in year, with explanation Number of inspection visits, by type of installation and duration of visit No. of permitted installations eligible for risk assessment which have been risk assessed during year, with breakdown by risk category Number of inspection visits, by type of inspection and risk category No. of B installations with condition requiring monitoring information, by installation category Time spent examining information, by installation category
Qu. 7	No. of B installation permits due a periodic review during the year* No. of periodic reviews undertaken, by no. of years since last review*
Qu. 8.1, 8.2, 8.4 and 8.5	No. of prosecutions of B and A2 installations Prosecution data Return of convictions No. of cautions Return of cautions
Qu. 9.2	No. of visits planned during year
Qu. 10.1 to 10.5	No. of SED installations holding permit No. of installations using the reduction scheme No. of installations that did not submit a solvent management plan No. Of operators breaching SED requirements No. of permits withdrawn
Qu. 11	Detail of direct and indirect costs of regulation Detail of efficiency saving targets by type and service
Qu. 12.1 and 12.2	No. of duly made applications for new A2 permits, with breakdown Decisions for A2 permit applications, permitted/ refused
Qu. 13	No. of duly made applications for substantial changes to A2 permits, with breakdown* Decisions for substantial change applications, permitted/ refused* Time taken for decisions on A2 applications for substantial changes, by type and time taken*
Qu. 14.2 and 14.3	No of A2 permits surrendered or revoked, or partially surrendered or revoked, during year, by type
Qu. 15	Number of notices issued, variation/ enforcement/ suspension

Qu. 16	No. of inspections in connection with applications for permit/ for substantial change No. of inspections, by type of installation and duration of visit No. of inspections not in connection with applications, by reason Number of permits granted in last 6 months, with explanation Number of mobile plants not inspected, with explanation Number of permits revoked in year, with explanation Number of inspection visits, by type of installation and duration of visit No. of permitted installations eligible for risk assessment which have been risk assessed during year, with breakdown by risk category Number of inspection visits, by type of inspection and risk category Time spent examining information, by installation category
	No. of permitted B and A2 installations by PG/SG notes used, by main or second

1.28 In relation to the remaining requirements, the Welsh Government identified its purposes for collecting the data as follows:

- Questions 1-5, Primary purpose: 'Effective Regulation and Enforcement'; secondary purpose: 'Legal Obligations'
- Questions 6 and 11, Primary purpose: 'Legal Obligations'; secondary purpose: 'National Interest'
- Questions 8; 9.2; 10, 12, 14-17 Primary purpose: 'Legal Obligations'; secondary purpose: 'Effective Regulation and Enforcement'

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Qu. 4.3	Does your LA have an enforcement policy?	
Qu. 6.2	Did LA account separately for costs and income associated with role as regulator	
Qu. 6.3	If not, give reasons and state whether senior managers are aware	
Qu. 8.3	Was publicity given to prosecutions?	
Qu. 9.1	Overview of extent of compliance by installations	
Qu. 9.3	Was an inspection plan drawn up?	
Qu. 9.4	Are inspections visits coordinated with other agencies?	
Qu. 9.5	How are inspection reports communicated to site operator? (written, orally, both, neither)	
Qu. 9.6	Are inspection reports publicly available?	
Qu. 12.4.1	Have you followed public participation directive procedures?	
Qu. 12.4.2	Do you use other means of consultation?	

1.29 The Welsh Government identified its purposes for collecting this data as follows:

- Question 4, Primary purpose: 'Effective Regulation and Enforcement'; secondary purpose: 'Legal Obligations'
- Question 6, Primary purpose: 'Legal Obligations'; secondary purpose: 'National Interest'
- Questions 8; 9.1, 9.3, 9.5, 9.6 and 12 Primary purpose: 'Legal Obligations'; secondary purpose: 'Effective Regulation and Enforcement'
- Question 9.4 Primary purpose: 'Effective Regulation and Enforcement'; secondary purpose: 'National Interest'

Hazards and Licences Return (Voluntary)

Ref.	Requirement	Local Authority Comment [<i>LBRO notes</i>]
Table 1	Assessments and resolved hazards: Number of dwellings and HMOs identified as containing cat. 1 and cat. 2 hazards	Cat. 2 data would not otherwise be collected.
Table 2a	Number of hazards cat. 1 and cat. 2 hazards identified in dwellings, classified by hazard type	This data would not otherwise be collected.
Table 2b	Number of hazards cat. 1 and cat. 2 hazards identified in HMOs, classified by hazard type	This data would not otherwise be collected.
Table 4	Estimate of HMOs in local authority area	This data would not otherwise be collected.

1.30 The Welsh Government identified the primary purpose for collecting this data as 'National Level Statistics'. A secondary purpose of 'Effective Regulation and Enforcement' was also identified.

Summary of Local Authority Responses on WG 'Smoke Free' Return

1.31 Three local authorities provided their views on this voluntary return. The local authorities reported that compliance rates with the smoke free legislation are very high and that proactive enforcement of the legislation is therefore not viewed as a high priority at present. They noted that:

- If the return was not made, the required data would not be held or collected.
- The data was not required by another return.
- The data held by the local authorities required processing for the purposes of the return in a way that it would not otherwise be processed.
- The monthly frequency of the return was too high.

1.32 The local authorities recommended withdrawal of this return.

1.33 The Welsh Government, Department of Health, identified the primary purpose in collecting the data as 'Effective Regulation and Enforcement', and the secondary purpose as 'National Level Statistics'. However, in their commentary they also identified that the data is required to support effective administration of funding.

1.34 The Welsh Government is currently reviewing the return – further details in Part 2.

2. Detailed Explanations of Why Data is Collected

Food Standards Agency

Animal Feed

Typical response rate: 100% in Wales, however, a lot of work is required to ensure that responses are provided by local authorities

The requirement categories that apply to this collection are:

- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement
- Aggregation into national level statistics
- Fulfil legal obligations under EU and international law and directives, and domestic law
- Required to support effective administration of funding

General summary

The safety of animal feed is an essential element in protecting the food chain as evidenced by the dioxin in pork incident which led to large amounts of food in the UK being removed from retail sale. Additionally, fraudulent use of melamine in animal feed in China and the resultant extension of this practice to food led to the deaths of 6 infants in the Far East and serious illness in 30,000 others.

The animal feed data returns are provided separately to the LAEMS system on excel sheets and the information requested has been reduced, where possible. The animal feed return asks local authorities to provide information on;

- Official controls undertaken
- Current resources available in terms of full time equivalent officers
- Results of sampling
- enforcement actions
- Registered/approved premises lists

The Agency is looking to encourage LAs to submit sampling data via the UK Food Surveillance System (UKFSS) which is a more effective method of collecting this data than that currently used with benefits to LAs in terms of better use of existing resources and their having access to sampling data from other organisations.

Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The information gathered is used to inform the Agency's enforcement priorities for feed authorities, which is published each year. The priorities are prepared to facilitate local authorities to target official control activities on animal feed. The 2010/2011 priorities are available here:

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe10008.pdf>

Aggregation into national level statistics

Information gathered from the Welsh LAs is incorporated into a UK-wide dataset

Fulfil legal obligations under EU and international law and directives, and domestic law

Under Article 44 of EC 882/2004, the Agency is required to report feed law enforcement activities to the European Commission on an annual basis. The data is used in the production of the UK National Control Plan annual report, which forms the basis of annual EC audits of UK compliance with EU food and feed law. Failure to demonstrate satisfactory UK compliance can result in restrictions on trade and infraction proceedings.

Article 13 of the Food Standards Act also provides the Agency with the authority to require information that permits the monitoring of enforcement authorities in enforcing relevant food and feed legislation, and to protect consumers.

Required to support effective administration of funding

Data on animal feed sampling and enforcement enables targeted central initiatives to support the work of local authorities. This has included the provision of grant funding for sampling of imported feed.

Central Lists of Feed Business Establishments

Typical response rate: 100%

The requirement categories that apply to this collection are:

- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement
- Aggregation into national level statistics
- Fulfil legal obligations under EU and international law and directives, and domestic law
- Required to support effective administration of funding

General summary

Names and addresses of approved/registered feed business establishments manufacturing, marketing or using feed are requested from local authorities each year. This is collected to facilitate a legal obligation that feed is only supplied by approved/registered businesses.

Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The information gathered is used to inform the Agency's enforcement priorities for feed authorities, which is published each year. The priorities are prepared to facilitate local authorities to target official control activities on animal feed. The 2010/2011 priorities are available here;

<http://www.food.gov.uk/multimedia/pdfs/enforcement/enfe10008.pdf>

Aggregation into national level statistics

Information gather from the Welsh LAs is incorporated into a UK-wide dataset and published on the Agency's website.

Fulfil legal obligations under EU and international law and directives, and domestic law

Under Article 44 of EC 882/2004, the Agency is required to report feed law enforcement activities to the European Commission on an annual basis. Failure to demonstrate satisfactory UK compliance can result in restrictions on trade and infraction proceedings.

Article 13 of the Food Standards Act also provides the Agency with the authority to require information that permits the monitoring of enforcement authorities in enforcing relevant food and feed legislation, and to protect consumers.

Required to support effective administration of funding

Data on animal feed premises enables targeted central initiatives to support the work of local authorities. This has included the provision of grant funding for sampling of imported feed.

Approved Food Establishments

Typical response rate: 100%

The requirement categories that apply to this collection are:

- Departmental indicators that enable central government to be held accountable by public
- Aggregation into national level statistics
- Fulfil legal obligations under EU and international law and directives, and domestic law
- Required to be published by local authorities to support local accountability
- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

General summary

There is a requirement in the food law code of practice for local authorities to inform the Agency when a new approval under Regulation (EC) 853/2004 is granted or when an existing approval is amended or revoked. In order to ensure that the central list is complete, an updated list is requested from local authorities at least annually.

Departmental indicators that enable central government to be held accountable by public

A key outcome of the Agency's strategic plan is that "food produced or sold in the UK is safe to eat". The information gathered, therefore, is vital to inform the priorities of that plan. An accurate picture of the safety of food production in the UK will enable the Agency to identify trends and areas of concern where work with producers, manufacturers, wholesalers and retailers will be of benefit to the UK consumer. The public need to be satisfied that all appropriate action has been undertaken to ensure the safety of food produced in the UK.

Aggregation into national level statistics

In order to provide a full picture of UK enforcement activity, accurate information is required to complete an amalgamated return on enforcement activity and results across the UK. This information is published on the Agency's website.

Fulfil legal obligations under EU and international law and directives, and domestic law

Local authorities provide the enforcement data which enables the Agency to fulfill its obligations under article 14 of the Official Control of Foodstuffs Directive 89/397 (OCD) to send to the European Commission annual returns on official food enforcement activities in the UK.

The data is used in the production of the UK National Control Plan annual report, which forms the basis of annual EC audits of UK compliance with EU food and feed law. Failure to demonstrate satisfactory UK compliance can result in restrictions on trade and infraction proceedings.

Article 13 of the Food Standards Act also provides the Agency with the authority to require information that permits the monitoring of enforcement authorities in enforcing relevant food and feed legislation, and to protect consumers.

Required to be published by local authorities to support local accountability

The Agency's local authority audit scheme is the process by which the Agency conducts a qualitative assessment of local authority performance.

Authorities are audited against the Food Law Enforcement Standard in the Framework Agreement, which sets out the minimum standards of performance expected from local authorities across the full range of their food law enforcement activities.

Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The information gathered allows consistency of enforcement across the UK to be monitored (alongside qualitative audit data) in order to identify and disseminate best practice, to inform food policy and identify areas where specific work is required to ensure effective enforcement of food safety legislation.

The European Commission uses the information provided to ensure that foodstuffs are subjected to appropriate food controls across the EU and as the basis for UK audit.

Food Hygiene and Food Standards

Typical response rate: 100%

The requirement categories that apply to this collection are:

- Departmental indicators that enable central government to be held accountable by public
- Aggregation into national level statistics
- Fulfil legal obligations under EU and international law and directives, and domestic law
- Required to be published by local authorities to support local accountability
- Required to support effective administration of funding
- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

General summary

The Food Standards Agency's strategic plan (currently out to consultation following machinery of Government changes) sets the Agency's strategic direction and defines the FSA purpose of safe food and healthy eating for all. It sets out the strategic objective and priorities, and describes the outcomes and approaches the Agency and others will take to safeguard the UK's food and take account of consumer's interests in relation to food.

A key outcome of the strategy is that "food produced or sold in the UK is safe to eat". The effective enforcement of food safety legislation is key to ensuring safe food, therefore, data on enforcement and official controls is necessary to protect consumers.

The strategy also seeks to promote effective, risk-based and proportionate regulation that is clear about the responsibilities of food business operators and protect consumers, and their interests from fraud and other risks.

The yearly LAEMS system return asks local authorities to provide information on;

- Number of premises and categories
- The levels of food business compliance with hygiene standards
- Full time equivalent staff
- Programmed interventions due and achieved

- Enforcement actions
- Sampling

Departmental indicators that enable central government to be held accountable by public

A key outcome of the Agency's strategic plan is that "food produced or sold in the UK is safe to eat". The information gathered, therefore, is vital to inform the priorities of that plan. An accurate picture of the safety of food production in the UK will enable the Agency to identify trends and areas of concern where work with producers, manufacturers, wholesalers and retailers will be of benefit to the UK consumer. The public need to be satisfied that all appropriate action has been undertaken to ensure the safety of food produced in the UK.

Aggregation into national level statistics

In order to provide a full picture of UK enforcement activity, accurate information is required to complete an amalgamated return on enforcement activity and results across the UK. This information is published annually by the Agency in the form of a report to the Board.

Fulfil legal obligations under EU and international law and directives, and domestic law

Local authorities provide the enforcement data which enables the Agency to fulfill its obligations under article 14 of the Official Control of Foodstuffs Directive 89/397 (OCD) to send to the European Commission annual returns on official food enforcement activities in the UK.

The data is used in the production of the UK National Control Plan annual report, which forms the basis of annual EC audits of UK compliance with EU food and feed law. Failure to demonstrate satisfactory UK compliance can result in restrictions on trade and infraction proceedings.

Article 13 of the Food Standards Act also provides the Agency with the authority to require information that permits the monitoring of enforcement authorities in enforcing relevant food and feed legislation, and to protect consumers.

Required to be published by local authorities to support local accountability

The Agency's local authority audit scheme is the process by which the Agency conducts a qualitative assessment of local authority food law enforcement standards and verification of local performance monitoring.

Authorities are audited against the Food Law Enforcement Standard in the Framework Agreement, which sets out the minimum standards of performance expected from local authorities across the full range of their food law enforcement activities.

The food hygiene and food standards data supplied via LAEMS is one source of information used to identify and prioritise local authorities for audit.

Required to support effective administration of funding

The Agency uses analysis of the LAEMS data to identify appropriate training requirements and support for local authority officers, and to offer grant funding to local authorities for specific food safety programmes.

Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The information gathered allows consistency of enforcement across the UK to be monitored (alongside qualitative audit data) in order to identify and disseminate best practice, to inform food policy and identify areas where specific work is required to ensure effective enforcement of food safety legislation.

The European Commission uses the information provided to ensure that foodstuffs are subjected to appropriate food controls across the EU and as the basis for UK audit.

Imported Food

Typical response rate: Few responses in Wales, however, there is some confusion amongst local authorities that the return is for points of entry only. This is in the process of being rectified with the issue of an updated LAEMS form and guidance.

The requirement categories that apply to this collection are:

- Departmental indicators that enable central government to be held accountable by public
- Aggregation into national level statistics
- Required to support effective administration of funding
- Fulfil legal obligations under EU and international law and directives, and domestic law
- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

General summary

The food standards agency's strategic plan (currently out to consultation following machinery of Government changes) sets the Agency's strategic direction and defines the FSA purpose of safe food and healthy eating for all. It sets out the strategic objective and priorities, and describes the outcomes and approaches the Agency and others will take to safeguard the UK's food take account of consumer's interests in relation to food.

A key outcome of the strategy is that 'imported food is safe to eat'. As a priority, the Agency wants to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain. Data on sampling of imported food at points of entry will enable the Agency to work with the EU and producing countries to ensure that imported food meets food safety requirements.

The yearly LAEMS system return asks local authorities to provide information on;

- Consignments entering the UK and checked
- Reasons for rejected consignments
- Samples of imported food taken
- Results of sampling
- Enforcement actions

Departmental indicators that enable central government to be held accountable by public

A key outcome of the Agency's strategic plan is that "imported food is safe to eat". The information gathered, therefore, is vital to inform the priorities of that plan. An accurate picture of the safety of imported food in the UK will enable the Agency to identify trends and areas of concern where work with those producing countries will be of benefit to the UK consumer. The public need to be satisfied that all appropriate action has been undertaken to ensure the safety of imported food into the UK.

Aggregation into national level statistics

In order to provide a full picture of levels of sampling, accurate information is required to complete an amalgamated return on sampling activity and results across the UK. This information is then submitted to the European Commission as an aggregated return as required by Article 44 of Regulation (EC) No. 882/2004.

Required to support effective administration of funding

The Agency offers grant funding to local authorities for specific imported food sampling. The statistics on imported food and areas identified as potential risk provide an important factor in deciding on targeted sampling and the allocation of funding, thus enabling the Agency to effectively target resources.

Fulfil legal obligations under EU and international law and directives, and domestic law

Article 44 of Regulation (EC) No. 882/2004 requires the Agency as the central competent authority for food matters in the UK to submit an annual report on the official controls undertaken in terms of imported food enforcement. Local authorities are also required, under EU directives and domestic law to ensure that they undertake the appropriate level of official controls with regard to imported food activity and report, by means of an annual return, the level of activity they have undertaken.

The data is used in the production of the UK National Control Plan annual report, which forms the basis of annual EC audits of UK compliance with EU food and feed law. Failure to demonstrate satisfactory UK compliance can result in restrictions on trade and infraction proceedings.

Article 13 of the Food Standards Act also provides the Agency with the authority to require information that permits the monitoring of enforcement authorities in enforcing relevant food and feed legislation, and to protect consumers.

Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The information gathered at points of entry to the UK and by local authorities enables targeted sampling programmes to be prepared in order to meet identified threats on a UK and EU-wide basis.

Health and Safety Executive

Background

The Health and Safety Executive (HSE) is responsible for standards of compliance with legislation on health and safety in Great Britain. Inspection and enforcement responsibility for certain categories of premises is allocated by regulation to local authorities (LAs) and is conducted through their environmental health services.

HSE collects health and safety enforcement, prosecution and activity data from LAs and also information on the resources used in carrying out these functions. HSE has been collecting this data for over 30 years. The collated information from LAs enables HSE to act as a single point of contact for providing information on health and safety activity.

Since 2009 HSE has had a data sharing agreement with CIPFA. HSE provides CIPFA with enforcement, prosecution and accident data reducing the burden on LAs to provide the data separately to two central government bodies.

In keeping with the principle of 'partnership working' HSE collects information through voluntary arrangements set in place by the HSE/LA Enforcement Liaison Committee (HELA).

The data is currently collected on two formats; a form based annual return (LAE1) and a database for collecting prosecution data on an ongoing basis. Both are currently under review with the aim of keeping the information collected from LAs to a minimum and maximising the use of IT to make data collection simple and efficient.

HSE is not aware of the LA staff costs involved to complete these returns nor does it have specific information on cost to HSE for collecting and processing the data.

HSE uses both sets of data for several purposes:

- Enforcement and prosecution data is collated and published by HSE as part of national statistics – **aggregation into national statistics (category 3)**.
- To inform strategy development – **effective regulation and enforcement (category 7)**.
- For ministerial briefings, responding to parliamentary questions and FOI requests.

Summarised information collected by HSE is placed on its website or made available to LAs, on the LA/HSE extranet, in more detail.

- To enable individual LAs to benchmark with similar authorities – **effective regulation and enforcement (category 7)**.
- To aid planning authorities – **effective regulation and enforcement (category 7)**.

LAE1

Type of return: annual, voluntary return, LAs download a form from HSElex and return to HSE by email

Welsh LA response rate over the last three years: ranges from 73% to 100%

GB Response rate over the last three years: ranges from 85% to 91%

Purpose: to collect health and safety enforcement and activity data.

The return is currently under review with the aim of reducing further the number of data points collected. HSE is also exploring the possibility of collecting this information electronically via the extranet.

The current focus of the LAE1 is:

- Part A – numerical summary of LA enforced premises and visits (proactive and reactive) and staff resource figures to carry out these functions;
- Part B – numerical summary of enforcement action (excluding prosecutions taken); and
- Part C – details of health and safety projects, initiatives and activities linked to national or local priorities.

A numerical summary of enforcement action data is publicly available on HSE's website in the annual statistical report <http://www.hse.gov.uk/statistics/overall/hssh0910.pdf>

Prosecution Database

Type of return: a voluntary return, with data collected electronically via the HSE/LA extranet. The database is open from September to June for LAs to submit prosecution data either on an ongoing or annual basis.

GB response rate for the last three years: ranges from 83% to 90%

Purpose: to collect brief details on each prosecution including legislation breached, defendant, penalty/outcome (including amount of fine) and a summary of the case.

The return is currently under review with the aim of making the database open all year and to have the information on the available to LAs on an ongoing basis.

A numerical summary of this data is publicly available on HSE's website in the annual statistical report (<http://www.hse.gov.uk/statistics/overall/hssh0910.pdf>) and more detailed information at <http://www.hse.gov.uk/laU/publications/reports.htm>

Review of data collections

Since this information was prepared in December 2010, the HSE's review of data collections concluded and a simplified and reduced LAE1 return is to be introduced from April 2011 collected via a web-based survey. HSE is also exploring how best to share data back to local authorities for benchmarking and how to enable immediate sharing of prosecution data among local authorities.

Office of Fair Trading

Consumer Regulation Website (CRW) (Central Register Convictions (CRC))

Typical response rate: 100% from Local Authorities

The requirement categories that apply to this collection are:

- Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law
- Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

General summary

The OFT has a statutory duty to co-ordinate investigations by enforcers under Part 8 of the Enterprise Act (EA). The CRW contains general information about the application and enforcement of legislation. The CRW has a restricted password protected area where enforcers can share information about investigations, possible actions and outcomes. This assists coordination of enforcement action, and helps to avoid multiple actions against a business. Currently the CRW partners in enforcement include: Office of Fair Trading, Consumers Association, The Information Commissioner, Financial Services Authority, OFTEL, The Office of Gas and Electricity Markets and every Trading Standards Service in Great Britain.

The CRC is a resource website accessed via the CRW that details all notifications by TSS of criminal offences related to their work.

Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law

Part 8 (sec 230)(4) of the Enterprise Act 2002 requires local weights and measures authorities in England and Wales to notify the OFT of convictions and judgements:

Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The CRW's private area provides a platform for enforcers to share information about their EA02 investigations. A search of the database should establish whether other TSS are looking into any business you are considering investigating, thus hopefully avoiding duplication. It also allows TSS to share information on best practice. The public area has business guidance and information about the outcome of formal actions already completed.

CRC contains notices of intended proceedings, returns of legal proceedings and formal cautions in relation to all TSS prosecutions under consumer protection legislation. TSS are able to search the database.

National Intelligence Management Database

Typical response rate: No responses required. Still implementing the solution (40% usage and increasing)

The requirement categories that apply to this collection are:

Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

General summary

The NIMD is an initiative run by the OFT to facilitate improvements to the way that both TSS and OFT carry out their intelligence work. Under section 8 (1) of the Enterprise Act 2002, the OFT has the function of “promoting good practice in the carrying out of activities which may affect the economic interests of consumers”. The NIMD allows TSS and OFT to securely store, process and share intelligence. This will lead to better prioritisation and targeting of work, achieving bigger impacts for consumers.

Welsh Government – Animal Health

WT22 – Welfare of Animals in Transport

This statutory return is required on an annual basis. The information is collated by Animal Health and passed to DEFRA (copied to WG). DEFRA act on behalf of the Member State and report the information to Europe. The information is sourced from local authorities and helps inform central Government of the level of compliance with WATO (Welfare of Animals in Transport Order (Wales) 2007). This information is routinely entered on the AMES (Animal Health and Welfare Management and Enforcement System) database which can be accessed by all local authorities, delivery partners and policy owners.

AH 134 – Return of Convictions Under the Animal Health Act 1981 (and Other Animal Health and Welfare Legislation)

This statutory return is required on a 6 monthly basis to comply with the requirements under Section 80 of the Animal Health Act 1981. The AH134 information returned by local authorities is collated by Animal Health who incorporate this information into the return of prosecutions taken under section 80 of the Animal Health Act 1981. After receiving Ministerial approval this annual report is laid before Parliament and the National Assembly for Wales. Once laid before Parliament and the national Assembly for Wales this information is in the public domain. Copies of the report are sent to LG Regulation for placing on its website, copies are also sent to local authority Heads of Service. This information is routinely entered on the AMES (Animal Health and Welfare Management and Enforcement System) database which can be accessed by all local authorities, delivery partners and policy owners.

Animal Health and Welfare Framework – Local Authority Profile and Service Delivery Plan

This is a voluntary return which previously was completed by all 22 local authorities in Wales and discussed and agreed with Animal Health RODs. Funding for Framework activities was previously provided by DEFRA and allocated to individual local authorities. Following the CSR direct funding has ceased. The Framework has been reviewed to reflect priority activities which will potentially have a national impact. Whilst there is no requirement from 1 April 2011 for local authorities to produce profiles and service delivery plans, it is encouraged as good practice to aid effective enforcement and disease control. The new Framework focuses heavily on partnership working and consideration of risk.

Welsh Government – Department for Environment, Sustainability and Housing

Local Environmental Quality Branch

Fixed Penalty Notices (FPNs)

Typical response rate: 100%

The requirement categories that apply to this collection are :

- Category 3- Aggregation into national level statistics
- Category 7- Enable data sharing

General Summary

All local authorities in Wales must submit an annual return form to the Welsh Government detailing all the fixed penalty notices issued for relevant offences for that period. This covers offences issued under the Environmental Protection Act 1990, the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environment Act 2005. The offences covered relate to litter, dog control, graffiti, fly-posting and noise. It is a statutory requirement for the local authorities to collect the data. We ask for data on the

- Number of Fixed Penalties Issued
- Number of Fixed Penalties paid
- Number of cases of non-payment taken to court
- Number of cases of non-payment awaiting court action
- Number of cases not paid and where no further action has been taken
- Amount collected

We do not ask for anything over and above what a local authority should be collating internally as best practice, or what would need to be provided as part of a FOI request.

Category 3- Aggregation into national level statistics

The data collated from each local authority is published annually by the Welsh Government. We want to encourage the use of fixed penalty notices as a means of effective enforcement of low-level environmental crimes. The collation of the data allows us to monitor how frequently and effectively the enforcement measures are being implemented across Wales.

Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

The returns will help us to monitor how effectively enforcement measures are being implemented across Wales, so that we can encourage further action, suggest a more consistent pan-Wales approach and provide guidance to local authorities where required. For example, we are aware that some local authorities have some good, well established enforcement policies, and this is evident from the FPN returns whilst some are yet to develop this area of their work and could benefit from the experiences of others.

Monthly Flycapture Data Returns

Collected by the Environment Agency, on behalf of WG

Typical response rate: 100% from Local Authorities and Environment Agency Wales

The requirement categories that apply to this collection are:

- Category 1- Departmental indicators to enable central government to be held to account by public
- Category 3- Aggregation into national level statistics
- Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law
- Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

General summary

Flycapture is a web-based, fly-tipping database for England and Wales which is aimed at helping local authorities and the Environment Agency tackle fly-tipping. It is one of a number of measures to combat fly-tipping, which have been introduced to meet the requirements of the Anti-Social Behaviour Act 2003.

Flycapture is managed on behalf of WG and DEFRA by the Environment Agency,

Flycapture has been operational since April 2004 and local authorities have been submitting their monthly returns since this time. There is a 100% rate of returns by Welsh local authorities. Data is published annually by WG Stats.

The aim of the database is to build the evidence base for fly-tipping in order to inform future policy making and to provide local authorities with a management tool which enables a problem solving approach to be taken to fly-tipping.

It records the number of fly-tipping incidents dealt with by the Environment Agency and local authorities, along with details of enforcement action taken. Both The Environment Agency in Wales and the Local Authorities are required to provide flycapture information for public land relating to:

- fly-tipping incidents by LA type;
- fly-tipping incidents by land type;
- fly-tipping incidents by waste type;
- fly-tipping incidents by size;
- clearance costs of fly-tipping;
- number of enforcement actions; and
- prosecution outcomes.

All these components above form part of the flycapture data.

When local authorities or the Environment Agency encounter an incident of fly-tipping, they record the details on this web based system. This includes the location of the incident, what was tipped, the size of the tip and any actions taken.

We are not aware of the staff costs involved to complete the monthly returns.

Category 1- Departmental indicators to enable central government to be held to account by public

There is a current Streetscene performance indicator in relation to 'the percentage of reported fly tipping incidents cleared within 5 working days'.

The data collected through flycapture includes when and where an incident takes place and what actions are taken. This information can be used to support the flytipping PI.

Category 3- Aggregation into national level statistics

The collated annual data from the Environment Agency is published by the Stats team as part of national statistics.

Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law

The Flycapture database became a mandatory requirement under Section 55 (5) of the Anti- Social behaviour Act 2003 for all waste collection authorities. It is only a domestic law requirement.

Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

Flycapture is a strategic tool that helps authorities improve intelligence on fly-tipping and focus resources on fly-tip hot spots. All contributors to Flycapture are able to access standard reports and compare figures at local, regional and national level. This provides real opportunities for sharing best practice and there are real examples of this taking place – for example in relation to successful enforcement action.

The collated annual data is reviewed by policy officials to consider whether the strategies we have in place to combat flytipping in Wales are working. During the course of the year policy officials review the monthly flycapture data statistics presented for Wales to spot any concerning trends.

Housing Branch / Statistics Directorate

Hazards and Licences

This replaced the Demolitions and Hazards return for 2009-10.

Name of collecting body and department:

Statistical Directorate, Welsh Government. Note that all the housing data collections are currently under review by the Housing Technical Working Group. If the Wales Regulator's Forum has any suggestions or comments about this collection, please pass them on and they can be considered as part of review.

Typical response rate is 100% – all 22 local authorities.

Overview

This data collection means that local authorities need to use and maintain a database of Housing Health and Safety Rating System (HHSRS) inspections and outcomes, as well as a database of licensed properties in their area.

Local authorities inspect properties for hazards and are the licensing authority for HMO and selective licences. They are the only source of this data.

Data is published annually in a statistical first release and on the Assembly website.

Data is available for all local authorities to see and use after publication.

The full dataset is published. We are in a transition period at present but hope that it will all be available on StatsWales website later this year.

Radioactivity and Pollution Prevention and Control Branch

(Including the industrial pollution control policy team in DEFRA's Atmosphere and Local Environment Programme)

Local Pollution Control Statistical Survey

Frequency: Annual

Typical response rate: 100% from Local Authorities in Wales

The requirement categories that predominately apply to this data collection are:

- Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law
- Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

It should be noted that air quality, which is the predominant focus of the Local Authority Pollution Control regime, is not an issue which can be confined to local authority boundaries. Emissions within one authority's area will affect another authority. Indeed, emissions from any source can have impacts at far beyond the local level. For example, mercury emissions are mainly a problem when deposited in water, such as the North Sea, taken up by fish, and eaten anywhere in the world. Other emissions may, for example, collect in Polar Regions. A local authority focusing on what it considers best for its citizens, might reach conclusions that have significant implications for areas well beyond that authority's boundary.

General summary

The Local Pollution Control Statistical Survey for 2009/10 looks at the Pollution Prevention and Control work done by Welsh and English Local Authorities in that previous year. This includes:

- how many applications were made;
- the time taken to process those applications;
- the number of inspections completed
- the amount and type of enforcement action taken
- inspection practices; and
- the income received from fees and charges etc.

The survey includes information from all 22 Welsh Local Authorities and Swansea Port Health Authority. It also includes information from over 300 local authorities in England.

The survey has been conducted since 1991. The survey questionnaire is sent on behalf of DEFRA and WG by Hartley McMaster and consists of three distinct parts: a Part B sub-survey captures information about installations regulated under the LAPPC regime; a Part A2 sub-survey captures information about installations regulated under the LA-IPPC regime; and a Common Questions sub-survey collects information that is common to, or independent of, the types of installation.

The questions asked – and, for the second time in the last 5 years, the survey has been slimmed down to minimise local authority burdens, as well as converted to a web-based survey, which has been much welcomed by authorities – all cover matters that any efficient and effective authority ought to want to collect for their own management purposes as attested by various LAs. The survey, if embraced by authorities, therefore provides a stimulus to authorities to improve the management of this function from within.

These national statistics have several functions. They provide the Welsh and English Governments with the information, and therefore insights, which inform policy development. They enable the Governments to report to the Assembly/Parliament where required. They provide a resource for local authorities to benchmark their performance (and are a transparent means for local people and local regulated businesses to assess the performance of their authority), and also to network with other authorities regulating similar activities. They are the mechanism by which the Governments collect information necessary to respond to EU requirements to supply data about the implementation of various Directives, and more broadly give insight into progress with Directive delivery, enabling interventions where necessary. They provide an input into improvement of the National Atmospheric Emissions Inventory, which provides the underpinning of much national air quality policy and the UK's policy for international negotiations. The survey generates data with which to compare the Local Authority Pollution Control regime with the parallel regimes regulated by the Environment Agency, the Scottish Environment Protection Agency, and the Northern Ireland Environment Agency and local authorities; this gives scope for policy challenge, as exemplified by current consideration within Government of the dividing line between what is regulated by the Agency and by local authorities.

Outcomes are key and Local Authority Pollution Control provides a significant contribution to the baseline of improvements to air quality. The survey focuses on the mechanics of delivery to show, in particular, that the effort (as funded through charges on regulated businesses) is continuing to be invested by authorities to maintain delivery of that baseline. The cost of completing the survey is included in the determination of the level of charges to be levied on regulated businesses (see annex on Costs and Effective Regulation).

This year, Welsh Local Authorities have for the first time either completed all their required full inspections or given valid reasons for the shortfall such as plant being mothballed or not operating. This survey provides the evidence of the considerable effort by our frontline officers to protect the environment within their jurisdictions and by preventing and controlling pollution improving the health and environment of some of the most vulnerable people in deprived areas in Wales.

Local Air Quality Management (LAQM)

Typical response rate: 100% from Local Authorities

The requirement categories that apply to this collection are:

- Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law

Background / Explanation

Air quality policy is driven by health concerns. Air pollution is currently estimated to reduce life expectancy averaged over the whole population in the UK by an average of 7-8 months. Local Air Quality Management (LAQM) was established to complement national policies, most importantly industrial pollution control and vehicle emission standards, in driving up air quality standards to acceptable levels. LAQM has a UK-wide consistent approach to maximise the effective delivery of the benefits. Local authorities are required when carrying out their local air quality management functions to have regard for guidance issued by the Secretary of State. <http://www.defra.gov.uk/environment/quality/air/airquality/local/guidance/> provide this policy and technical guidance and provide links to other useful LAQM guidance from outside DEFRA.

The proposal to legislate to introduce LAQM was announced in the White Paper 'Air quality: meeting the challenge' published in January 1995. The three main themes in this White Paper were (i) the proposal to develop a general strategy for air quality, based on clear standards and targets; (ii) new systems for local air quality management, based on Air Quality Management Areas; and (iii) effective control of emissions, particularly from vehicles.

The thinking underlying the establishment of LAQM was that “it would not be possible to eliminate, in the most cost effective way, all potential air quality problems simply by the use of national policies”. LAQM would be carefully targeted to identify areas.

Local measures are one of the most important means by which health-based air quality standards for the key pollutants set out within the Air Quality Strategy for England, Scotland, Wales and Northern Ireland can be met. More importantly, improved air quality has significant health benefits, and local authorities are best placed to improve air quality at localised hotspots and deliver both health benefits and improved quality of life.

Local authorities in Wales have statutory duties for Local Air Quality Management (LAQM) under Part IV of the Environment Act 1995 (‘the Act’). Under section 82 of the Act, local authorities are required to carry out regular reviews and assessments of air quality within their area against standards and objectives prescribed in the Air Quality (Wales) Regulations 2000 for the purpose of LAQM. Section 88 of ‘the Act’ requires that when carrying out their local air quality management functions, local authorities shall have regard to guidance issued by the Welsh Ministers as the appropriate authority in relation to Wales.

The local air quality guidance issued by the Welsh Ministers, under section 88 of ‘the Act’, sets out the cyclic timescale for the review and assessment process. This process places a requirement upon each local authority in Wales to submit a report, meeting the requirements set out within technical guidance, to the Welsh Government each year.

A review of air quality means a consideration of the levels of pollutants in the air for which objectives are prescribed in Regulations, and estimations of likely future levels. An assessment of air quality is the consideration of whether estimated levels for the relevant future period are likely to exceed the levels set in the objectives.

A review and assessment of air quality is the first step in the LAQM process. Part IV

of the Act requires each local authority to review air quality ‘from time to time’. The Air Quality Regulations (England) (Wales) 2010 prescribe Air Quality Objectives and the dates for meeting them. For each objective, local authorities have to consider present and likely future air quality, and assess whether the objectives are likely to be achieved in time. Local authorities should note that they also have a duty to continue to work towards meeting the Air Quality Objectives beyond the deadlines set out in the 2010 Regulations. An objective, for example, which is due to be met by 2011 must also be met in every subsequent year.

Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe

Air quality status should be maintained where it is already good, or improved. Where the objectives for ambient air quality laid down in this Directive are not met, The UK should take action in order to comply with the limit values and critical levels, and where possible, to attain the target values and long-term objectives. If Wales fails to meet the required targets and levels, we can potentially face infraction procedures (and millions of pounds in fines).

This Directive lays down measures aimed at the following:

1. defining and establishing objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole;
2. assessing the ambient air quality in Member States on the basis of common methods;
3. obtaining information on ambient air quality in order to help combat air pollution and to monitor long-term trends and improvements resulting from community measures;
4. ensuring that such information on ambient air quality is made available to the public;
5. maintaining air quality where it is good and improving it in other cases; and
6. promoting increased cooperation between the Member States in reducing air pollution.

Air Quality Strategy (The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, July 2007)

The Air Quality Strategy establishes the framework for air quality improvements. Measures agreed at the national and international level are the foundations on which the strategy is based. It is recognised, however, that despite these measures, areas of poor air quality will remain, and that these will best be dealt with using local measures implemented through the LAQM regime. The role of the local authority review and assessment process is to identify all those areas where the air quality objectives are being or are likely to be exceeded. The LAQM regime underpins the strategy, and gives focus to improving the ability to manage air quality across services and the setting of air quality targets.

The strategy:

- sets out a way forward for work and planning on air quality issues;
- sets out the air quality standards and objectives to be achieved;
- introduces a new policy framework for tackling fine particles; and
- identifies potential new national policy measures which modelling indicates could give further health benefits and move closer towards meeting the Strategy's objectives.

Local air quality strategy

The relevant Policy Guidance documents recommend that all authorities, particularly those that have not had to designate AQMAs or do not expect to designate an AQMA in future, but who have areas close to the exceedence levels, should consider drawing up a local airquality strategy.

Reporting/monitoring data

Local authorities submit their reports via http://www.airquality.co.uk/la_report_admin/logon.php. This website has been provided on behalf of DEFRA and the Devolved Administrations, for the use of UK Local Authorities. Its purpose is to assist Local Authorities in the Local Air Quality Management process, by providing a convenient route for them to submit their annual Air Quality Review and Assessment reports.

This web-based system allows Local Authorities to first complete a questionnaire, listing all the potential sources of relevant pollutant emissions in their District or Borough. They then download a report template, for either an Air Quality Updating and Screening Assessment report, or an Air Quality Progress Report, as applicable. The report is then completed off-line, and submitted electronically via this site, for review by DEFRA and the Devolved Administrations. The system may also be used to submit reports which are not based on the template provided.

The monitoring data plays an increasingly important role in the Review and Assessment process. Monitoring data may be used to identify new locations where there is a risk of exceedence of one or more of the objectives, or to provide evidence that a previously declared AQMA requires reconsideration. In both cases, this would lead to a requirement for a Detailed Assessment. The focus should be upon new monitoring data collected since the previous round of Review and Assessment was completed, but wherever possible historical data should also be included, as these provide valuable information on longer-term trends. The data is used centrally to monitor air quality across Wales and is made publicly available through the local authority websites.

Welsh Air Quality Data and Statistics Database

In Wales, the Welsh Air Quality Forum also provides a route for exchange of technical and policy information on implementing LAQM. The Welsh Air Quality Database enables local trends to be compared to identify and manage air quality problems:

http://www.welshairquality.co.uk/data_and_statistics_home.php?n_action=introandt=1

Local air quality management support
<http://www.defra.gov.uk/environment/quality/air/airquality/local/support/>

There are LAQM Support Pages provided by DEFRA and the Devolved Administrations.

These pages contain a variety of support functions for local authorities and practitioners of local air quality management. The functions include:

- Helpdesks for email and telephone queries on all aspects of local air quality management
- And tools to assist with assessment of air quality.

Review

A Review of Local Air Quality Management was undertaken in March 2010 by In House Policy Consultancy (IHPC). It was commissioned by DEFRA and the Devolved Administrations. It included an extensive questionnaire of UK local authorities.

The outcomes are being examined presently.

The review and assessment part of the LAQM process is generally considered to be working very well. Local authorities on the whole have developed a good understanding of air quality in their areas.

Summary

The Local Air Quality Management (LAQM) is a process where every Local Authority is required to periodically review the air quality within its area. The main purpose of this is to ascertain whether air quality objectives prescribed within the Air Quality (Wales) Regulations 2010 are likely to be met.

Every three years Local Authorities have to submit an 'Updating and Screening Assessment' of air quality to the Welsh Government. In the intervening years a less detailed 'Progress Report' is required.

The data and interpretation in these documents determines whether or not a 'Detailed Assessment' needs to be carried out for a specific pollutant at a specific location, and then the possible creation of an 'Air Quality Management Area' will lead to a Further Assessment, and, in turn, an Action Plan.

All these reports are scrutinised centrally by contractors working on behalf of DEFRA and the Devolved Administrations.

Category 4- Fulfil legal obligations under EU and international law and directives, and domestic law

Air quality standards and objectives are set under regulations made under section 87 of the 1995 Environment Act. The section provides authority for regulations to make provision on a wide range of other matters relating to the assessment or management of air, including conferring powers or imposing duties on local authorities.

The Secretary of State and Devolved Administrations have issued extensive **statutory guidance** under section 88 of the Act. This sets out what is expected of local authorities in fulfilling their duties under Part IV.

Welsh Government

Introduction to the Smoke-free etc. (Wales) Regulations 2007

The Smoke-free Premises etc. (Wales) Regulations 2007 were introduced on 2nd April 2007 to ban smoking in enclosed public places. The aim of the legislation is to protect workers and the public from the effects of second-hand smoke.

Failure to comply with these regulations is a criminal offence as set out in the Health Act 2006 and can result in a fixed penalty or fine:

- Individuals may be liable for a fixed penalty of £50 for smoking in smoke-free premises. In case of prosecution and conviction, the maximum fine is £200.
- The manager or person in control of any smoke-free premises could be fined a fixed penalty of £200 for failing to display 'No Smoking' signs. In cases of prosecution and conviction, the maximum fine is £1,000.
- The manager or person in control of any smoke-free premises could be fined up to £2,500 for failing to prevent others from smoking in those premises.

Monitoring of the smoke-free legislation is undertaken by the local authorities in Wales. The inspections process for the smoke-free regulations are undertaken at the same time as other routine visits to businesses, such as to report on health and safety and food hygiene. This has kept enforcement burdens on local authorities to a minimum.

Prior to the introduction of the legislation, the Welsh Government worked closely with local government to discuss enforcement issues and the possible costs of implementation. Enforcement guidance was issued by the Welsh Local Government Association to local authorities to ensure that the legislation was implemented consistently across Wales.

The approach to monitoring has been non-confrontational and focuses on raising awareness and understanding around the reasons for the smoke-free regulations. However, where this approach is not effective enforcement of the regulations is made and can result in a fine or fixed penalty.

Enforcement issues are discussed regularly at meetings of the Directors of Public Protection. We often request that the Chief Environmental Health Adviser for the Assembly Government emphasise at these meetings the important of local authorities submitting enforcement data by the scheduled dates to the Welsh Government.

Successful outcomes of the smoke-free regulations

The ban on smoking in public places has been successful in protecting workers and the public from the serious health risks of exposure to second-hand tobacco smoke. The legislation also has widespread public support.

Research commissioned by the Welsh Government shows clear evidence of reduced exposure to environmental tobacco smoke, particularly in pubs, clubs, bars and at work. This means that the legislation has achieved its main objective. The studies found no evidence of any shift in smoking to the home, or of increased exposure to environmental tobacco smoke for children.

A side-effect of the ban has been to encourage smokers to give up. The Stop Smoking Wales service saw a 20 per cent rise in referrals around the time when the legislation was introduced, and this increase in contact numbers has been sustained.

Category 3- Aggregation into national level statistics

Local authorities submit monthly data on compliance with the smoke-free regulations in their local area to the Welsh Government using a compliance return form template. The form records the following information:

- the total number of premises inspected during the reporting period;
- the number of premises that have been identified as being compliant with the requirement that no smoking has taken place in enclosed premises;
- the number of premises identified as displaying the correct 'No Smoking' signs;
- the number of fixed penalties that have been issued; and
- the number of successful prosecutions.

There is no provision within the smoke-free regulations to make it a mandatory requirement that local authorities submit compliance data.

The reporting process is very straightforward with the form being designed to minimise reporting burdens on local authorities. Policy officials will be considering whether it is still necessary for data to be provided on the number of enquiries and complaints they receive. We will also be considering whether the data should be submitted on a quarterly basis rather than monthly. Any amendments to the reporting requirements would be introduced in the new reporting year, which commences in April 2011.

The Assembly Government uses this local data to publish a summary of compliance levels across Wales each month on the Smoking Ban Wales website, the dedicated site for the smoke-free legislation. A schedule of dates for when the monthly monitoring data is required by is circulated to local authorities in February for the forthcoming reporting year which runs from April to March. This helps local authorities to build in sufficient time to complete their monthly returns following compliance inspections.

Category 6- Required to support effective administration of funding

The Welsh Government has provided local authorities in Wales with funding for the implementation costs of enforcement. A total of £2,000,000 a year was allocated from 2007/08 onwards, using the revenue support grant formula. The high level of compliance with the regulations that has been consistently achieved shows that the funding has been used effectively. It has not yet been indicated whether this level of funding will decrease following the Comprehensive Spending Review.

Category 7- Enable data sharing across local and national regulators in order to carry out effective regulation and enforcement

Compliance monitoring by local authorities has shown that compliance with the legislation is very high with 98 per cent of premises inspected being compliant.

This data is used regularly by the Minister for Health and Social Services, the First Minister for Wales and the Chief Medical Officer to review the effectiveness of the smoke-free regulations and to highlight its enforcement by local authorities.