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NATIONAL ENFORCEMENT PRIORITIES FINAL REPORT

**LOCAL CAPACITY-BUILDING
for Rogers'
NATIONAL ENFORCEMENT PRIORITIES**

***Lessons from an Action-Research Project with Local Authority Regulatory
Services***

*commissioned by the
Local Better Regulation Office (LBRO)*

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LOCAL CAPACITY BUILDING for NATIONAL ENFORCEMENT PRIORITIES

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EXECUTIVE SUMMARY

Early in 2008, the Local Better Regulation Office (LBRO) commissioned INLOGOV at the University of Birmingham to undertake an action-research project with local authority regulatory services in response to the conclusions of the 2007 Rogers Report that established six national enforcement priorities— respectively concerning air quality, alcohol licensing, health at work, hygiene of food businesses, fair trading and animal health. The research project, which has been based on seven case-study local authorities drawn from across England, has sought to examine both progress being made so far and the approaches used to implement Rogers' national priorities at the local level.

While the research has found little evidence to suggest yet an *significant* increase in the commitment of resources at local level to the new national enforcement priorities, it does highlight considerable positive changes to the philosophy and approach to regulation that have much potential for facilitating the realization of Rogers' priorities. In particular, it highlights:

- More emphasis now being placed on *pro-activity* and support to promote compliance rather than on checks and prosecution to respond to breaches;
- More reliance on *intelligence-led inspection* and targeting of effort where problems are known to arise rather than on blanket inspections;
- More *joined-up working* and shared information with other relevant specialists within and outside the councils;
- More *innovativeness* being shown and willingness to try out and learn from new approaches to regulation and enforcement;
- More focus on the *outcomes and impacts* of regulatory work and correspondingly less preoccupation with inputs, processes and outputs;
- More *holistic* thinking in the approach to regulation and with greater preparedness to make the links between regulation and the wider local authority purposes, priorities and objectives; and
- Much *stronger customer focus* in interactions and relations with local businesses, communities and citizens alike.

More than this, the research identifies three key strategies which offer much prospect for capacity-building to assist the implementation of Rogers at local level. Respectively, these are concerned with:

- a) exploiting more vigorously the linkages which exist between the national priorities and those priorities as determined locally
- b) building more positive external relationships between regulatory service units and local businesses and communities to engage trust and support in pursuit of the objectives and aims of regulation, to ensure compliance and to protect the public, and
- c) making best use of existing resources, increasing efficiency and so creating additional capacity for the national priorities.

The research provides a series of case-studies – one per local authority – which variously illustrate these strategies in practice. Together they provide a collection of relevance to all local authorities, demonstrating how, even in difficult financial times, progress can indeed be made in implementing the national enforcement priorities.

LOCAL CAPACITY BUILDING: NATIONAL ENFORCEMENT PRIORITIES

1. INTRODUCTION

In 2008, the Local Better Regulation Office (LBRO) commissioned the Institute of Local Government Studies (INLOGOV) to undertake a six-month action-research project, which was designed to assist in the development of effective regulatory practice at the local level. Particularly it was aimed to facilitate the implementation of the six national priorities, as established in the Rogers Report (2007). Those priorities are as follows:

- Air Quality- reducing air pollution
- Alcohol Licensing- protecting people from the effects of misuse of alcohol through licensing
- Health at Work- improving health in the workplace
- Hygiene of Food Businesses- ensuring safety and fitness for consumption in businesses manufacturing, distributing and selling food
- Fair Trading- ensuring traders describe goods/services accurately and trade fairly (avoiding rogue trading practices)
- Animal & Public Health- ensuring animal health and avoidance of transmission of diseases to humans

The principal aims of the research project were to develop understanding of the progress being made in implementing these priorities and to assist in the implementation process by highlighting and promoting strategies and actions through which local authorities might build their capacity to respond to Rogers' call to give additional emphasis to these functions.

A case-study approach was chosen for these purposes, and seven local authorities volunteered to participate in the 'action research' methodology through which each would provide an illustration of a response to the Rogers' priorities and which would be of relevance and value to all local authority regulatory services departments across the country.

The basic principles and variants of action research methodology are more fully described and discussed in the texts referenced below*. Action research is an essentially positive process involving close working with subjects (in this case the seven local authorities) to support their reflection and learning about how to manage change and about how to become more effective (in this context in relation to the implementation of the national enforcement priorities). While the timescale was somewhat shorter than is usually associated with action research methodologies, we were able to achieve a suitably close-working relationship with each of the local authorities and we interacted on a face-to-face basis with relevant stakeholders in each location on some five separate occasions over the period (in addition to regular email contact between times).

The process began with an initial workshop hosted by our commissioners, LBRO, in June 2008. We then visited each authority for an introductory day in July, followed by a more extensive visit to each in July/August to meet a wider cross-section of personnel involved in aspects of

* Elden, M., & Levin, M. 1991. 'Cogenerative Learning' in Foote-Whyte, W (ed) 1991. *Participatory Action Research*. London: Sage. p127-142

Lewin, K. 1951. *Field theory in social science: Selected papers*. D Cartwright (ed). New York: Harper.

regulatory service management and provision. From these visits we compiled a short interim report (published by LBRO – ‘*Considering the National Enforcement Priorities: Perspectives from Seven Councils*’, LBRO, 2008) and then identified one particular initiative in progress at each particular authority as a case study for further exploration, each distinct and of relevance to the project’s focus of responding to the Rogers’ priorities.

A mid-project workshop was held at the University of Birmingham in September, when representatives from each authority reported in more detail on their project and on the issues of wider interest that it raised. Finally, each authority was revisited again in November/December 2008 for an update and review of progress and of the lessons being learned. While all seven projects are still very much on-going, this document has been compiled to provide a basis for wider dissemination and learning about the different strategies and actions represented by these seven projects in implementing the national enforcement priorities and in building the capacity at local level to accommodate them.

The seven participating local authorities were chosen to ensure coverage of the range of local authority types (i.e. including at least one of the main categories of council in England: county councils, shire district councils, London boroughs, metropolitan boroughs and unitary authorities), and to reflect the diversity in regulatory responsibilities and of geographical, social and economic context.

- Bromley London Borough
- Cannock Chase District Council
- Kirklees Metropolitan Borough Council
- Redbridge London Borough
- Southampton City Council (unitary authority)
- Southend-on-Sea Borough Council (unitary authority)
- Staffordshire County Council

As to the particular projects that each has sponsored and pursued as part of the project, these can be summarised as falling into four broad categories:

- internal focus – of working within the authority to understand and define priorities;
- working with partner organisations for more effective regulation;
- working proactively with local businesses to achieve compliance with regulatory priorities;
- working with local communities to improve intelligence-gathering

The table below categorises the particular projects under each of these four headings:

<u>Category I</u> Working differently within the local authority	<u>Category II</u> Working differently with external partners	<u>Category III</u> Working differently with local businesses	<u>Category IV</u> Working differently with local communities
LB Bromley Developing elected member involvement with regulatory services	LB Redbridge Co-location of trading standards and police personnel to create an enhanced Community Protection Service	Kirklees MBC Development of a ‘Business Partnership’ and a ‘Better Health at Work Partnership’ to support local businesses by providing a more	Southend-on-Sea BC Establishment of a forum of community representatives of local housing areas to share intelligence on rogue trading and other consumer protection

		positive and proactive approach to regulation	issues
Cannock Chase DC Using Simalto Grids to assist budget prioritisation		Staffordshire CC Working proactively with farmers to foster and promote compliance with animal health regulations	
Southampton City Applying a purpose-designed 'service scheme' to assist budget prioritisation			

2. CAPACITY-BUILDING STRATEGIES FOR THE ROGERS' PRIORITIES

The discussions with regulatory service managers at all seven local authorities confirmed a high level of support for the conclusions and recommendations of the Rogers' Report and the desire to see these made a reality across the country, albeit with the qualification mentioned in two of the areas that 'housing in multiple occupation' and 'port health' might usefully form two further subjects for prioritisation.

Support for Rogers' priorities was also widely endorsed in interviews with elected members holding portfolio responsibilities for regulatory services who, while understandably not so familiar with the details of the Rogers Report, were clearly committed to ensuring effective regulatory services within their local authorities and recognised the important role they play in serving and supporting their own local policy priorities, including safer communities, healthier living, and a prospering economy.

However, it was also apparent from the initial visits was that, so far there has been little change with regard to the resourcing pattern for regulatory services. Indeed, it was generally felt that the potential of the Rogers Report had yet to be realised in the form of enhanced commitment to effective enforcement of air quality standards, alcohol licensing, health and safety at work, hygiene of food businesses, fair trading, and animal & public health.

A combination of reasons would seem to account for this apparently limited response. First, of course, is the reality that, for each of the Rogers' priorities, there is already felt to exist an established sense of commitment within the local authorities (at least within those participating in this project). Partly reflecting 'statutory status' and partly a reflection of long-standing and largely unchallenged 'acceptance of responsibility' in the regulatory arena, all seven authorities respectively claim to maintain both an active profile and a sizeable budgetary commitment to the six priorities. And while certainly not presuming that the current level of such commitment necessarily represents sufficient of a response to the Rogers report, nor indeed that their budgets are necessarily entirely consistent with the spirit and intentions of that document, there is, at least a strongly perceived sense of an 'established embeddedness' about those national priorities, and indeed a sense that the value of Rogers was rather more about *reinforcing* existing priorities than about *launching* new ones.

More than this, however, the local authorities were all conscious of the fact that Rogers reported at a time when councils the country over are facing both increasingly difficult resourcing prospects and a range of other competing priorities, many of their own choosing, for example, as established in their local area agreements and in their own individual performance plans - and against which each must also expect to be judged and held accountable.

In such a context it is perhaps no great surprise that, in all seven authorities, a commonly expressed view was that, while the Rogers Report has been helpful in underlining the value of much of the work of regulatory services departments, has helped to raise the profile of these activities and has provided some useful additional arguments for *maintaining* budgets in the face of competition for funding from other services, it has not generally been a catalyst for significant change in regulatory service resourcing levels.

That said, it was plainly apparent in all seven authorities that regulatory services are in no sense standing still, nor unaffected or disinterested in the changes taking place in the wider Council arena. In each authority it was evident that regulatory services departments are actively responding to changing times and undergoing very significant transformational projects of their own. In this respect, they are repositioning and redefining their roles within the setting of their wider authority, and re-thinking their strategies and action plans to ensure greater effectiveness and efficiency in achieving the regulatory goals.

In particular, the local authority regulatory service departments are becoming more:

- proactive** in their promotion of consent and compliance with regulatory requirements (rather than relying primarily on inspection checks and prosecution of instances of non-compliance)
- 'intelligence-led'** in deciding where to target effort, rather than relying on blanket approaches and on necessarily spreading resources thinly
- 'joined up'** both within the Council and by working with other external organisational partners for more effective action to ensure compliance
- innovative** in their approaches to regulation and enforcement – prepared to experiment and learn with the assistance of new technologies, new powers and procedures, new organisational arrangements and new skills
- outcome-oriented** and with a stronger focus on the impacts that flow from regulatory effort, and rather less emphasis on viewing performance simply in input, process and output terms
- holistic** and programme-like in their strategic vision and perspectives on regulation within the council's wider purposes and priorities
- customer-focused** in their approach to regulation and in their dealings with traders, other businesses, citizens and consumers

In addition, discussions with personnel in the seven case-study councils highlighted three broad and fundamental strategies for building additional capacity at local level to facilitate implementation of Rogers and for achieving greater effectiveness in regulation as a result. Each of these strategies is reflected in differing ways in the particular initiatives on which this action research project has been focused. The particular strategies can be summarised as follows:

I. 'Linking the National and Local Priorities':

This strategy is about forging stronger linkages between the national enforcement priorities and other locally-determined priorities. It is about building on the complementarities and synergies

between the issues identified by Rogers and the various objectives and outcome measures that councils themselves are keen to pursue, for example, through local area agreements. This strategy it is about developing understanding within the councils and organizing internally (and with external partners) to make connections and pursue opportunities more vigorously. The two London Borough case-study authorities in particular provide helpful illustrations of the potential of this strategy (LB Bromley and LB Redbridge).

II. 'Building Positive External Relationships':

This strategy is about working proactively with the subjects and beneficiaries of regulatory service activity to garner understanding and support for the purposes and public value of regulation, and thus to maximize the prospects for consent and compliance. Developing positive relations with local businesses and also working more closely with local communities to improve intelligence gathering for enforcement work represent the two key strands to this strategy. And both are illustrated in the case-study authorities; on the one hand, with regard to working with businesses, by Kirklees MBC and Staffordshire CC, and on the other, with regard to working with local communities, by Southend-on-Sea BC.

III. 'Optimising the Use of Resources':

This third strategy is about achieving best value from the available regulatory resources and making sure that these are wisely and purposefully allocated for optimal effectiveness and efficiency. It is about avoidance of waste, about rigorous and positive prioritization, it is also about robust scrutiny and review processes to assess outcomes and impact. And in the context of this research, it is particularly about creating capacity from existing regulatory resources to support additional focus on the Rogers' priorities. The two remaining case-study authorities particularly illustrate this strategy in action – those of Cannock Chase DC and Southampton City Council.

In the succeeding sections, we will explore each of these strategies more fully in turn by drawing on the case-study illustrations and the learning derived from each through the action research project.

3. LINKING THE NATIONAL AND LOCAL PRIORITIES

The strategy we have described as 'linking the national and local priorities' is essentially about articulating and building the case for Rogers' national priorities at the local level. This, however, is likely to be easier in some respects than others. The alcohol licensing and fair trading priorities of Rogers, for example, happen to chime well with the crime reduction and safer communities priorities to which most local authorities are strongly committed, and which are generally strongly supported in local communities. On the other hand, air quality, food hygiene, health and safety at work and animal health priorities of Rogers do not generally tend to attract equivalent interest or support at local level, whether on the part of elected members or more widely in the public arena. Nevertheless, there are of course strong potential linkages to be made between these latter national priorities and local health and well-being priorities and these ought to be more strongly articulated and developed.

In fact, very few of the issues covered by the Rogers priorities currently score especially highly among the lists of national indicators (NIs) of performance that local authorities have selected for use in local area agreements (LAAs). This was evident in the results of a recent survey of local

authorities. Notably NIs 185, 173, 194, 183, 184, and 182, attracted very few, or no, selections in the most recent (2008) LAA round (see Table 1 below).

Table 1. Selections of National Indicators for Local Area Agreements

Most frequently selected indicators

NI 117 - % 16-18 year olds not in education, employment or training (115 selections)

NI 112 - % under 18 conception rate (106 selections)

NI 154 – Net additional homes provided (104 selections)

NI 155 – Nos. affordable homes delivered (102 selections)

Rogers' relevant indicators

NI 39 - Alcohol licensing: hospital admissions rate from alcohol harm (75)

NI 173 - Health at Work: flows on to Incapacity Benefits (7 selections)

NI 194 – Air Quality : % reduction in NOx (1 selection)

NI 183 – Trading Standards: impact of LARS on fair trading environment (0)

NI 184 – Food Hygiene: % food establishments compliant with law (0)

NI 190 – Animal Health: achievement of control standards for animal health (0)

NI 182 – Satisfaction of business with LARS (3 selections)

Case Study 1: Developing Member Involvement in Regulatory Services (LB Bromley)

'...Elected members recognize that they need to understand the connections between the Council's regulatory services and the top national indicators that they choose to include as their local PIs...'

The London Borough of Bromley provides an example of the potential significance of the Rogers priorities to the various themes and indicators selected in compiling the local area agreement (LAA). As can be seen from Table 2, the Bromley LAA places a strong emphasis on improving personal health, on creating a safer area, of reducing crime/victimization and on achieving a higher quality of environment. Accordingly, five of the six Rogers priorities – those for air quality, alcohol licensing, health at work, hygiene of food businesses and fair trading each have important linkages to be exploited.

Table 2. Key Themes in the LB Bromley Local Area Agreement – 'Building a Better Bromley 2008-2011'

- Children & Young People:
 - Being healthy
 - Staying safe
 - Enjoying & achieving
 - Making a positive contribution
 - Achieving economic well-being
- Safer Bromley:
 - Increasing community reassurance
 - Reducing crime against the person
 - Reducing crime against property

- *Reducing youth crime & victimisation*
- *Reducing ASB and nuisance*
- *Reducing problems of drugs and alcohol*
- A Quality Environment
 - *Improved street scene*
 - *Reduced waste*
 - *A quality built environment*
 - *A quality natural environment*
 - *Reduced traffic congestion*
 - *Improved road condition*
- Vibrant Town Centres & Local Economy
 - *Vibrant town centres*
 - *An improved skills base*
 - *Sustaining & growing local businesses*
 - *Improved employment opportunities for local residents*
- Supporting Independence
 - *Improved health and reduced health inequalities*
 - *Promoting choice and independence for vulnerable people*
 - *Improved access to services*
 - *Improved health & well-being for carers*
- Stronger Communities
 - *Greater involvement of residents in planning future services, in the life of the Borough, and sense of ability to influence key decisions affecting their lives*

The London Borough of Bromley also provides a good illustration of what needs to be done to ensure such linkages are indeed made at local level. For here, much effort is being devoted at developing understanding and interest among elected members in the role and contribution of regulatory services – and this effort indeed provided the focus of the action research work at this particular council.

From our discussions with both senior officers and elected members at Bromley, it was very apparent that this is an authority in which there is a strong sense of leadership from the politicians and a clear commitment to achieving positive outcomes from regulatory services, as from all the Council's activities.

Members' direct involvement in regulatory service activity has generally been increased in recent years, not only through the Licensing Act responsibilities but also through the authorization procedure required for the Regulatory Investigation Powers Act. At Bromley, elected members recognize that they need to understand the connections between the Council's regulatory services and the top national indicators that they choose to include as their local PIs. Indeed, the leading members are closely involved in considering and agreeing the service plans for their portfolios and also the annual improvement and efficiency plans. The committees which cover regulatory services matters are regularly provided with reports and updates on enforcement activity, licensing appeals, new legislation, new approaches being piloted in the authority and relevant new policy/practice initiatives – for example, the 'Scores on the Doors' scheme that provided hygiene ratings for food premises in the area.

There is also an imaginative training scheme – for officers and members together – provided annually, and comprising both internally and externally- presented courses and conferences on relevant themes, both of a legislative nature (e.g. the Gambling Act) and regulatory and organizational practices (e.g. inspection processes and 'lean thinking'). Elected members are encouraged to 'shadow' officers when taking part in food safety inspections, licensing visits and

when carrying out ‘under-age test purchases’ etc. And they are kept informed, up-to-date and involved with regulatory service issues through the provision of a series of press releases (often with elected members quoted), and through circulation of the ‘*Business Matters*’ newsletter, which is circulated to all members as well as to local businesses.

Indeed, as part of the action research, consideration is currently being given to producing a further regulatory services newsletter specifically for elected members (an idea that has the strong support of the relevant portfolio-holders because of the increased profile and understanding it is felt would be generated across the membership).

Case Study 2: Co-Location and Partnership for Community Protection (LB of Redbridge)

‘...By co-locating to ‘join forces’ ... and pooling resources (staffing, expertise and intelligence) the opportunity has been created to enhance effectiveness and create capacity with which to address the range of community and consumer protection issues in a more holistic and co-ordinated manner...’

The second, and contrasting, case-study in ‘linking the national with the local’ is provided by the London Borough of Redbridge and represents a particular focus on two of the Rogers priorities – those for ‘fair trading’ and ‘alcohol licensing’. Here the approach adopted has essentially been about inter-organisational working and has involved the development of ‘Community Protection Partnership’ by building strong links between three units within the Council and one outside it – the Council’s Anti-Social Behaviour (ASB) team, the Trading Standards team and the Licensing team, working together with the local policing team. Perhaps most significantly here has been the agreement to co-locate the teams at one site to support and promote joint working and a single team ethos. By co-locating to ‘join forces’ in this way and pooling resources (staffing, expertise and intelligence) the opportunity has been created to enhance effectiveness and create capacity with which to address the range of community and consumer protection issues in a more holistic and co-ordinated manner. In this way, the initiative also involves strong elements of the third of our three identified strategies – ‘optimising the use of resources’. However, we choose to discuss it here in the context of the strategy of ‘linking the national with the local’ particularly because it provides an excellent example of how two of Rogers’ national priorities are being directly pursued within the context of a locally-defined priority and, as a result of the co-location initiative, with strong prospects for achieving a measurable difference for local people.

The new Community Protection Partnership, in fact, brings together a team of nearly 40 practitioners (7 from the ASB team; 10 from the Trading Standards team, and 10 from the Licensing team, plus 11 police/PCSO staff). Together, the team is focused on partnering for crime reduction in the Borough; operating an intelligence-led approach (based on the police’s National Intelligence Model (NIM) approach) and with an emphasis on problem solving, in the manner now strongly associated with community and neighbourhood policing. Co-location is providing the all-important underpinning for information-sharing, joint data analysis and for regular shared briefings (for example, there are daily intelligence briefings and fortnightly enforcement strategy sessions). And the joint working is proving valuable to all parties. For instance, previously, when working on their own, the police weren’t always able to discern and interpret the trends and patterns from their own intelligence. But by adding into the analysis the intelligence of the local authority teams, it becomes much easier to identify issues at an early stage and to achieve greater success in preventative work as a result. Indeed, through its joint activity, the partnership is also now focusing on improving performance on National Indicator 21 (concerning police and local authority responses to ASB).

Another beneficial consequence of the partnership has been in its sponsoring of joined-up training of police and council staff involved in licensing work. Here, for example, barristers have been commissioned to provide joint training sessions to improve the quality of verbal evidence in formal settings (e.g. in court or at licensing hearings), and the intention is to roll this out to neighbourhood sergeants as well in due course. Working together as a single Redbridge partnership has also encouraged more sharing of intelligence with neighbouring boroughs (this of course being something of which the police have much experience, being part of a London-wide force). Moreover, co-location has provided a valuable step towards more joint working with other relevant agencies and sections of the Council (e.g. the fire service, the PCT and the environmental health department in relation to licensing)

That said, for co-location to work as intended, has required a number of organisational challenges to be addressed. For example, it has been necessary to establish new common ground rules and to confront the reality of two different sets of terms and conditions, two cultures and two (political) systems of accountability – each with different expectations and resource allocation and control processes. Inevitably, with differing pressures and expectations, the process of ‘joining up’ between police and council staff has required much sensitivity and patience. But steadily, respect and understanding of each others’ roles and recognition of the synergies of the different contributions has developed and the project has rapidly begun to move forward and become more embedded as the way of working. And such progress has been justly recognised when Redbridge was recently a winner for the London Region of a Tilley Award for effective inter-agency working.

While it is still early days in the development of the initiative – and with the full benefits of co-location still to be realised in terms of public awareness - the clear view of all the partners is that much is now being achieved that previously could not have been because of the separateness of teams, processes and intelligence systems. The plan next is to establish a single media relations office to deal with both police and council issues together, and in this way to build the profile of the community protection initiative in the public’s mind, and to highlight the new focus and approach now being given to issues such as fair trading and alcohol licensing.

4. BUILDING POSITIVE EXTERNAL RELATIONSHIPS

The second of the three strategies identified through this project involves proactive working with the subjects of the regulatory services activity to win their support and co-operation – on the one hand winning the consent and compliance of local businesses, while on the other, receiving intelligence and other relevant information from citizens and communities. As indicated, regulatory service authorities have generally embraced the idea of a more customer-focused approach in recent years and have been working hard to build and sustain more positive relations with traders and other businesses with which they have to deal. They have also sought to promote a more positive public service ethos to local citizens and communities, for example through initiatives like ‘Scores on the Doors’, ‘Doorstep Watch’ ‘No Cold Calling Zones’ campaigns and the like.

The assumption underlying this strategy of building positive external relationships is that the approach is likely to be more effective in achieving the objectives and intended impacts of regulation than more traditional inspectorial approach with a greater measure of ‘distance’ and ‘reserve’ in relations. And all the evidence from discussions with practitioners during the research confirmed not only that this has indeed been widely found to be the experience, but that it also frees up resources for the regulatory authorities for reinvestment in other more pressing priorities.

Three of the case-studies in this action research project illustrate well – and with contrasting foci - the pursuit of such positive external relationships; one with a formal partnership scheme with local businesses in Kirklees, one involving close partnership working between council regulatory service teams and the police to address community protection issues, and one with local communities to build more effective community intelligence processes, again to support community protection.

Case Study 3: Partnerships for Business Support and Better Health at Work (Kirklees MBC)

‘...The aim from the outset has been to make regulation easier for businesses, to develop mutual understanding of expectations and to help achieve compliance through a more positive and proactive process with a strong emphasis on improved communication...’

The history of the Kirklees Business Partnership extends back for just over a decade – established in 1997 and led by the Environmental Services Department, it involves some sixteen regulatory service units, some within the Council, (such as environmental services, waste management, planning & building control, licensing, highways and economic development) and some external to it (e.g. ACAS, the Environment Agency, HSE, HM Revenue & Customs, West Yorkshire Police, and West Yorkshire Trading Services), almost one hundred business support organizations, and to which more than six hundred out of a total of some fourteen hundred local businesses have committed themselves.

The aim from the outset has been to make regulation easier for businesses, to develop mutual understanding of expectations and to help achieve compliance through a more positive and proactive process with a strong emphasis on improved communication. The authority pursues a policy of business support in the first instance and with punitive enforcement actions only as an action of last resort. This closely relates to the Council’s belief in customer focus. Also important from the outset has been the concept of a more holistic approach to regulation – reflected in the involvement of all the potential agencies and departments with which local businesses might be

likely to encounter. To these ends, the Council has been producing a bi-annual newsletter ('Regulation Update'), providing a 'Regulation Helpline' and maintaining a website (www.kbp.org.uk). A range of training and conference-type events are also arranged each year, including 'breakfast meetings' on themes such as 'Pest Control', 'Drainage', 'Business Link'; 'Doing Business with the Council'; 'Flooding'; 'Environmental Toolkits'; 'Employing Overseas Workers', and 'Health & Safety in the Workplace' etc.

More recently, in 2004, a second partnership was launched specifically on Health & Safety in the Workplace (the 'Better Health at Work Partnership') with funding from a variety of sources and with the twin aims of reducing the incidence of work-related injury or ill-health and supporting early returning to work with the help of a team of 'Health at Work' specialist advisers and a Workplace Safety Adviser. This initiative, which of course addresses one of Rogers' priorities directly, is managed and led by the Council but enjoys funding support from the local PCT (Kirklees NHS). In effect the partnership provides an occupational health and safety service, providing advice to employees suffering from work-related illnesses, and receiving its referrals both from GPs and from employers. Also typical of the Partnership's work is advice on the latest legislation and government policy, provision of risk assessments and templates for employers. In instances where cases of infringement are identified, the first step is to refer the case to the appropriate officer in the Authority for advice rather than simply pursuing that matter through enforcement action.

While councils do not often lead 'better health at work partnerships', the decision to do so at Kirklees was driven by recognition of the existing relevant knowledge base within the authority and their close relations with local industry that derived from their established health and safety function. The 'Better Health at Work Partnership' works closely with 'Job Centres Plus', local employers and medical practitioners to reduce the number of people falling out of work and seeking incapacity benefits; this being one of the targets within the local area agreement (NI 173).

Decisions about priorities in relation to both the Kirklees partnerships reflect not just Roger's recommendations and the spirit of the preceding Hampton Report (2005) but also the aspirations of a range of consultees from both the business community and wider public. In particular, these underpin the authority's approach towards greater prevention rather than intervention and, in framing service prioritization, account is also taken of the core Kirklees priorities, notably 'a strong economy,' 'an area of green living' and 'customer focus'.

There has been widespread enthusiasm among elected members for the principles of the business support approach from the outset, and this has served to ensure its prospects even when individual local members raise problems that they might feel merit enforcement action. In such contexts, the Kirklees's Local Area Committees provide a helpful conduit for local members' concerns and a forum where enforcement officers can respond on individual infringement issues.

Case Study 4: Working with Farmers for Improved Animal Health (Staffordshire CC)

'...There is ... a strong determination to minimize the impact of regulation on farm businesses...'

Animal health, one of the six priorities, is a functional responsibility that is undertaken primarily by county councils and Staffordshire provides a particularly good exemplar both of high priority being given to this national priority and of a positive and proactive approach in so doing.

In discharging the relevant regulatory functions, the County Council works in close conjunction with the Animal Health Agency – together exercising joint responsibility for standards of animal health, disease, farm animal welfare, transportation and welfare at markets, and for the quality and safety of animal products. The positive approach the County Council has adopted is summarized in the following extract from its promotional literature *'Your Animal Health and Welfare Service'*.

'...We aim to establish a constructive relationship with all farmers, livestock keepers, auctioneers and other related industries to avoid situations where the law may be broken...'

'...In our experience, in many situations where legal requirements are not being met, it is as a result of error, or ignorance of the law...'

There is also a strong determination to minimize the impact of regulation on farm businesses, and to this end the County Council has sought to avoid duplicated visits to agricultural premises, adopting a 'whole farm approach' to inspection and co-ordinating visit requirements with the Animal Health Agency so that just one visit is made covering the business of both organizations simultaneously. Visits are also now made on an appointments basis with good lead-times being given to enable farmers to plan to be available and with time to prepare for the appointed date/time. Full details of the nature of the inspection are also given well in advance to enable the farmer to be able to provide the appropriate documentation.

In total Staffordshire County Council has an Animal Health team of thirteen officers (as a specialist sub-group of the Trading Standards unit). The complement includes a dedicated farm adviser, reflecting the proactive approach and the emphasis given to positive relationship-building and to the view that trustful communication is key to driving down infringements and minimizing the sense of regulatory burden on farmers. This approach is also a pragmatic one given that there are around 5,000 farm-related premises in the county, making it impossible to inspect them all at frequent intervals. Instead, effort and resources are devoted to ensuring compliance by provision of information (including by text and email and with a DVD on animal health and stock movement) and by advice given in surgeries and seminars (for example, on issues of tagging, animal transportation) arranged across the county in local village halls. Many of these are arranged in conjunction with the Countryside Landowners Association (CLA) and National Farmers' Union (NFU) meetings, and requests for additional information and assistance are always welcomed whether on-line or by telephone.

Much time and energy is devoted to working with farmers struggling to achieve compliance with the regulatory requirements. Here it is recognized that, for many such farmers, failure to achieve compliance tends to reflect not so much willful disregard but more the difficult economic, social and emotional challenges confronting much of the agricultural industry. The aging farmer population is often an issue, with increasing numbers no longer realistically able to manage their farms and stock to the standards they would wish or, not uncommonly, experiencing depression as a result of long periods of personal isolation and difficult financial circumstances. The County Council Animal Health team therefore maintains close relations with, and often makes referrals to, the Rural Support Network whose numbers of volunteers include trained counselors with good knowledge and understanding of the regulatory requirements and of the necessary accompanying paper-work etc. They, too, are therefore often able to provide sound guidance

and sympathetic encouragement on what needs to be done and how, to meet the regulatory standards required.

The economic context for livestock farming is often volatile and the current difficult financial climate is naturally now of particular concern, with potential implications in the form of increased breaches of regulations as more farmers find themselves unable to meet all the costs of compliance along with all their other running and capital costs. At such a time, and perhaps especially in the light of Rogers, the County Council feels particularly obliged to invest in providing as supportive a service as possible. Indeed, it is currently considering an expanded programme of workshops for the industry in the county, improving on-line access to the services on offer (for example, with on-line booking of appointments and more information available electronically), and developing its working links with the NFU and CLA still further to help with information dissemination and further reducing the regulatory burden.

All this is clearly indicative of a local authority that is working hard to make a reality of one of the national enforcement priorities – and doing so in the positive and proactive manner advocated both by Rogers and, previously, in the Hampton Report (2005) on regulation of businesses. But, in so doing, and particularly to an extent well beyond the basic regulatory requirement, there is the ever-present problem of funding and dependence on county council revenues. There is also the further risk in that the process of measuring and assessing the impacts of the investment of time and energy to provide an excellent animal health service is extremely difficult, even though all the discussions with stakeholders in Staffordshire suggest strong belief in the approach as being worthwhile and effective, especially so in the current difficult economic climate.

Case Study 5: Building Links with Communities for better Trading Standards (Southend-on-Sea BC)

‘...It is recognized that there is much for trading standards to learn from the housing experience ... about community engagement and public involvement...’

At Southend-on-Sea BC an initiative has been launched to work more closely with local communities to improve intelligence-gathering and information exchange on trading standards issues. The model here has been adapted and devised from a consultative initiative previously developed by South Essex Homes (SHE), the Council’s arms-length management organization called ‘Block Voices’ which involves a network of community representatives, each drawn from individual streets or housing blocks, to act as contacts for ‘intelligence gathering’ and as agents for communication and consultation on housing and estate management issues. Essentially this has been an initiative in ‘listening to, and learning from, tenants’ and the idea of developing a similar approach for Trading Standards issues was felt similarly to offer much potential in winning support and co-operation from the public and in assisting in the prevention, or early detection, of rogue trading and other exploitative business practices.

In fact the initiative now underway for Trading Standards is directly linking into with the already established Tenants and Block/Street Network – with the intention that those members might also act (or nominate) representatives to interface with the Council on trading standards issues, and with direct two-way reporting lines for communicating concerns or information. As with the tenants’ scheme, a ‘Regulatory Services Focus Group’ is also being established to bring together the local neighbourhood (block/street) representatives together for regular meetings to exchange information and learn from one another.

It is recognized that there is much for trading standards to learn from the housing experience in Southend about community engagement and public involvement. South Essex Homes has in fact promoted a high degree of resident involvement in the borough and indeed, in February 2008, was approved as 'Resident Involvement Champions' for the Eastern Region. There are Community Groups and Residents' and Tenants' Associations that meet on a regular basis. The groups are self-led with several topic-based focus groups and are well supported by SEH's Resident Involvement Team. More than this, they are seen to drive policy – all policy and literature is reviewed by them and there is daily contact with South Essex Homes. All minutes are published on the residents and tenants' website and policy and procedures must be approved by their Board which has a strong tenants and residents' presence through the Southend Tenants and Residents Federation.

In translating the essence of this approach across to Trading Standards, the key point is that, while in the past, it was highly unlikely that any complaints or concerns about traders and trading issues would have reached the Council via the Housing Groups, now the Trading Standards team will be far better informed as a result of engaging in the proposed series of quarterly meetings the schedule for which has been designed to fit in with the housing service's extensive timetable of meetings. In fact the intention is for Trading Standards to start by working with the already existing Anti-Social Behaviour focus group before establishing its own a Regulatory Services focus group. There is also already a "*Nominated Neighbour*" scheme whereby vulnerable residents can display a card for cold callers stating the name and address of a neighbour who has agreed to act as the elderly and/or vulnerable resident's champion and deal with calls on their behalf – rogue traders are less likely to go to the nominated neighbour than a genuine caller. This scheme is seen as an ideal opportunity to promote "*No Cold Calling*" zones.

As yet, the project to involve Regulatory Services in working more closely with the community in this way is still at its early stages, and there are several key practical issues yet to be resolved, such as establishing reporting lines and exactly how to deal with sensitive or confidential, evidence gathering, and more serious trading standards issues which demand the attentions of professional officers in the team and police, rather than simply the tenants and residents. However, the early scoping meetings that were arranged during the course of this research project have all generated a very positive mood about the prospects.

5. OPTIMIZING THE USE OF RESOURCES

The third and final of the three strategies that we have identified is about making optimal use of existing resources, pursuing efficiency gains and being more effective so releasing resources for further investment in regulatory and enforcement priorities.

During the course of the project we encountered many examples in all seven case-study authorities of responses of this form – for example, by developing joint (shared) inspection arrangements between inspections of local businesses for health & safety on the one hand, and food hygiene on the other, rather than two separate teams making separate visits at different times. As indicated, we also encountered initiatives in shared intelligence-gathering between different inspection teams, again with efficiency and effectiveness gains to be exploited.

However, in addition to such resource efficient (and business-friendly) approaches, and with financial circumstances and prospects now becoming ever tighter (e.g. in the wake of Gershon and tougher revenue support grant settlements) most regulatory service departments – and their parent councils more generally - are also looking to operate more rigorous budget prioritization processes

to ensure that all of their activities are suitably justified and to identify any spare resources in order to support new priorities. Clearly this is all highly relevant to the implementation of Rogers and indeed two of the seven case-study authorities have, in recent years, introduced budget prioritization schemes that illustrate well the potential contribution that this kind of response to financial stringency can make.

Case Study 6: Budget Prioritisation by Simalto Grids (Cannock Chase DC)

'...Above all, [the SIMALTO methodology] identifies and highlights how much decision-makers need to change ... service levels, how much they are prepared to pay for the changes and how these might impact on other services...'

As with a number of councils, Cannock Chase District Council, has made use of the SIMALTO Grid methodology to bring rigour and objectivity to its budgetary process on an authority-wide basis. This has been important in the context of regulatory services, as elsewhere within the Council's portfolio of activity. SIMALTO is shorthand for 'Simultaneous Multiple Attributable Level Trade-Off' and is a tool to facilitate optimization in decision-making. Originally developed for the planning of new products, it has increasingly also generated interest in a budgetary/service planning context, with the same clear philosophies, logical processes and participant-engaging approaches involved.

SIMALTO involves the use of a grid showing 'levels of support/preference' along the horizontal (x) axis and different attributes or service levels along the vertical (y) axis. Each attribute is rated with a level of support (as a 'preference') and given a cost. The requirement then is to make 'trade offs' between the attributes or service levels – i.e. improving those that are strongly supported while cutting back those that are less popular/important. Normally, the cost of the services is expected to be balanced to match either the previous cost (i.e. through a reprioritization), an enhanced budget (which allows some net service improvements), or a reduced budget (which requires net savings to be made). In this way, the approach aims to highlight those attributes or services that are viewed as 'most important' and therefore to be protected or enhanced, and those which are 'least supported' and might perhaps be sacrificed to afford the improvements elsewhere. Above all, it identifies and highlights how much decision-makers need to change the attributes or service levels, how much they are prepared to pay for the changes and how these might impact on other services and levels of provision.

At Cannock Chase, SIMALTO Grids have been introduced as one stage in a broader Council initiative to manage change – and as a first step in the annual budgetary process that subsequently involves further service prioritizations, formulation of policy options, reviews by Cabinet members, revision of policy options and a public consultation phase ahead of final budget decision-making. In compiling the grids at Cannock Chase for 2009-10, the requirement has been for service managers to examine five net reduction options of the current base budget, although previously, the expectation had been to consider two growth and two savings options. The national priority status of Rogers' recommendations on enforcement has been taken into account in the assessment of support (preference) for the particular services in question.

A further key element of the Cannock Chase approach has involved a 'Reality Group' process to check that the conclusions from the SIMALTO Grid work are indeed regarded as realistic and able to be implemented; for example, in relation to food inspection; that the reductions do not result in the loss of the one post-holder who, uniquely, happens to have particular specialist expertise. The Reality Group – comprised of senior officers – also checks that the proposed

reductions do not materially affect statutory responsibilities nor are likely to have unintended negative consequences. Thereafter politicians also add their perspectives on priorities to the process, for example, in giving higher priority to reducing alcohol-related violence in the town centre and to noise abatement – both being issues being regarded as engendering much local public support.

SIMALTO is by its nature a technical tool and at Cannock Chase it has been felt necessary to revise the detailed approach in successive rounds to ensure its utility and value to the budget process. Initially, much emphasis was placed on public consultation to establish the priorities, but this tended to result in what were seen as unrealistic results that could not easily or safely be fulfilled. As a result, now public consultation (which involves citizen panel focus groups and a website questionnaire) takes place at a later stage and is based on the conclusions of the exercise conducted within the Council. The refining process and development and adaptation of the methodology in Cannock Chase continues.

However, this approach has already become embedded and the general view is that SIMALTO is indeed providing a suitably strategic process that is assisting long-term forecasting as well as more immediate decision-making. In effect, it is felt that the approach has allowed the authority to develop a four year plan across the Council – and that this in turn is assisting the Environmental Services Department to make a reality of its particular responsibilities within the Rogers priorities – notably for air quality, alcohol licensing, and hygiene of food businesses.

Case Study 7: Assessing Service Value for Budget Prioritisation (Southampton City Council)

‘...The ‘process’ is generally felt to be more important than the actual numerical ‘outputs’ – not least because it introduces a mandatory element of critical challenge and scrutiny and treats all activities with equal rigour and respect...’

At Southampton City Council, the same objectives have been sought through the development in-house of a ‘budget scoring system’. The procedure was first developed within the Environmental Services Directorate as a tool to improve departmental budget planning but, following its success, this year the process has been adopted and developed by the authority as a council-wide approach.

There have in fact been several previous initiatives at Southampton in ‘scoring’ different service activities to assess their relative priority, and the current budget scoring scheme has built on the experiences gained from these, particularly in recognizing the importance of clear and specific scoring guidance. As with most such schemes, the ‘process’ is generally felt to be more important than the actual numerical ‘outputs’ – not least because it introduces a mandatory element of critical challenge and scrutiny and treats all activities with equal rigour and respect.

The scheme, as now operating across the Council, requires every activity to be rated on a scale of 1-4 (1= low and 4 = high) for five separate parameters: *strategic contribution* (with a weight of 6); *mandatory-discretionary* (with a weight of 5); *free choice-legal/contractual obligations* (with a weight of 4); *sole-alternative provider* (with a weight of 3) and *high-low profile* (with a weight of 2).

The assessments are made initially by an experienced and appropriately knowledgeable council officer but then checked and discussed with other staff similarly with relevant knowledge and experience. At this stage, political perspectives are excluded from the scoring to assure due

objectivity and fairness in the process and to ensure that the results do indeed provide a standardized information base for subsequent and more subjective consideration.

From the basic assessments, a total score is derived for each activity (i.e. the sum of the scores multiplied by their respective weights). Scores over 70 are rated as 'A' Grade; those between 60 and 69 as 'B' Grade; those between 51 and 59 as 'C' Grade; and those at or below 50 as 'D' Grade. The scores, and the associated justifications for the different activities, are then brought together at Directorate level where a 'challenge' process is conducted by senior officers and members to test the robustness of the assessments, and particularly to check against any 'self-protectionism' in the ratings.

Thereafter, much depends on the level of resourcing available to the Council, as mediated and determined by political steer on priorities and Council Tax implications etc. Typically, options will be between cutting an activity in part or as a whole, seeking increases in its efficiency or generating more income from it to reduce the net cost.

The scheme has generally been adjudged within the Council – by officers and leading members alike - to have proved very helpful and worthwhile. While it clearly represents no more than a 'means to an end', and is indeed regarded as just a single (early) step in a much longer annual budget-planning process, it is felt to have provided a suitably rigorous and fair basis for deciding priorities and has thus generated much enhanced confidence in the quality of decision-making that ensues, especially these days when difficult choices are having to be made.

One particular perceived question and qualification about the process is how integrity and freshness are maintained in successive years, given that most of the scores are unlikely to change year-on-year. Some concern was also expressed that the scheme had become more complicated, less wieldy and at greater risk of manipulation, now that it had been developed outside Environmental Services for Council-wide application. But perhaps the main lesson from the most recent cycle of the scheme is of the importance of starting the assessment process as early as possible so that there is time to apply 'invest to save-type' options and to pursue longer-term transformational projects that will unlock significant resources and avoid the scheme simply inviting and supporting a 'salami-slicing' approach for managing budget reductions.

6. CONCLUSIONS

The Rogers Report (2007) has set an important agenda for local authority regulatory services – to give priority to six key functions which although already established in the regulatory portfolio of local government are considered to be of particular national significance and deserving at this time of special attention.

Generally this message has been welcomed by local authorities as providing supporting justification for the good work that is already being done in relation to air quality, alcohol licensing, health at work, hygiene of food businesses, fair trading and animal health. However, from the evidence gathered in the course of this action research project, which has been based on studies of seven local authorities from around the country, it appears, for the most part, that little has yet changed in terms of resource commitments to these 'priorities' and that, particularly, in the current financial climate, most local authorities consider simply sustaining previous resourcing levels to be a more realistic achievement.

On the other hand, the research has also highlighted a strong commitment among the authorities to changing the philosophy of, and approach to, regulatory responsibility, with much greater emphasis now being placed on *proactivity* and support to promote compliance rather than on checks and prosecution to respond to breaches; with more reliance on *intelligence-led* inspection and targeting of effort where problems are known to arise rather than on blanket inspections; with more *joined-up working* and shared information with other relevant specialists within and outside the councils; with more *innovativeness* being shown and willingness to try out and learn from new approaches to regulation and enforcement; with more focus on the *outcomes and impacts* of regulatory work and correspondingly less preoccupation with inputs, processes and outputs; with a more *holistic* approach and preparedness to make the links between regulation and the wider local authority purposes, priorities and objectives; and now with much stronger *customer focus* as well, which is transforming interactions and relations with businesses, communities and citizens alike. And these, of course, are all changes which support and facilitate the realisation of Rogers' priorities.

But more than this, the research has identified three key strategies which offer the prospect of real progress in capacity building for implementation of Rogers at the local level – first exploiting more vigorously the linkages which exist between the national priorities and those priorities as determined locally; second, building more positive external relationships between regulatory service units and local businesses and communities to engage trust and support in pursuit of the objectives and aims of regulation, to ensure compliance and to protect the public; and third, making best use of existing resources, weeding out waste and so creating additional capacity for the national priorities.

These three strategies are of course neither especially novel nor mutually exclusive of one another. Indeed, they are likely to be being practised to differing degrees by local authorities across the country. But it is always helpful to consider the broad perspective, consider where individual initiatives fit into the bigger picture, and examine what others are doing and why. And of course there are always more and different *ideas* to be considered, more *actions* to be implemented, more experiences on which to *reflect* and more *learning* to be derived as a result. And it is in that spirit of that virtuous cycle of 'ideas, actions, reflection and learning' upon which this research project has been based and through which it has worked with the seven case-study local authorities. Alongside their respective regulatory responsibilities, their differing economic, social and political contexts, and their varying local public service priorities, they each share a commitment to the aim of making a reality of Rogers' priorities. While making no claims as to the particular specialness as 'path-finders' or as 'beacons of excellence' in their respective regulatory fields, they certainly represent a valuable set of exemplars of good practice in relation to one or more of the identified strategies and together provide a range of ideas and approaches from which other authorities might usefully learn.

Taken together, we suggest, the set of case-studies provides a rich source of inspiration as to how, even in difficult financial times, capacity can be enhanced at local level to implement the national enforcement priorities as Rogers intended.

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