



Scottish Local Authority Enforcement Concordat Lead Officers

1st Meeting 30th August Glasgow Caledonian University

With all 32 Scottish Local Authorities having adopted the Enforcement Concordat and its principles this meeting offered the first opportunity for all Local Authority Lead Officers to get together to discuss their experiences and ideas. This meeting was the first of six-monthly meetings that will bring together all 32 Local Authorities in Scotland.

Chairman for the day was Neil Edwards of Fife Council and Chairman of the Society of Chief Officers of Trading Standards in Scotland. The day began with a series of presentations, followed by a brief panel Question & Answer session.

Presentations

There were five presentations to begin the day, these were:

Warrick Malcolm of the Improving Regulation in Scotland Unit within the Scottish Executive presented 'The government view'. This presentation briefly outlined the guiding principles behind the establishment of the Concordat and the aims for its use. Simply put, the concordat aims to encourage Local Authority enforcers to build a supportive and constructive relationship with the business community.

Brian Purdie of Inverclyde Council presented 'The Local Government View'. This presentation summarised the results of a questionnaire organised by the Enforcement Concordat Working Group in Scotland. The questionnaire results highlighted the patchy picture across Scotland, with many areas giving encouragement but showing the need to spread the good practice more widely. Brian mentioned that the questionnaire would be completed annually to allow the good progress Local Authorities make to be highlighted.

Jim Matthew of Angus Council presented 'The Enforcers View'. Outlining some of his experiences of the use of the Enforcement Concordat, the presentation offered some initial ideas that other Authorities may wish to consider.

Geoff Budd of Dixons Group plc, and David White of Kwik Fit each gave presentations from 'The business perspective'. With the caveat that their experience was predominantly based on England, each highlighted some examples where they felt a more flexible and supportive approach from Local Authority enforcers would have helped everyone concerned. Recognising that no one wanted to prevent local enforcers from doing their job and providing the protection that the public wanted, and indeed that other businesses wanted, they did emphasise the business support to the Enforcement Concordat and its principles.

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Workgroup Sessions

The afternoon session was largely taken up by group discussions based around two scenarios. These scenarios were designed to focus discussion on two areas of relevance to the use of the Enforcement Concordat in Scotland. Firstly, how the principles of the Enforcement Concordat can be encouraged within Local Authorities and for which services they are relevant. Secondly, Local Authorities and how they manage their interaction with businesses in accordance with the Enforcement Concordat principles.

A number of common issues and themes emerged in the discussion groups and these are summarised below.

Current Enforcement practice

The needs of businesses in relation to Local Authority enforcement was discussed with the differing needs of small and big businesses in particular considered. There was a view that small businesses appear to want a high level of prescription, to cut the process short, do not value choices and want to know what they must do to meet the requirements. While big businesses are perceived as wanting detail, they were also thought by some to be more inclined to challenge the detail of legislative requirements and look for ways of circumventing regulation. To help everyone it was suggested that local authority published prosecution policies would be very useful. A common theme throughout the day was that one of the key issues is consistency and flexibility and one can work against the other and managing this balance is crucial. Some suggested that perhaps there is a case for solid central guidance being introduced. Some further areas mentioned, that there is no definition of enforcement, that there is no definition of what constitutes formal action and that we should try and make enforcement seem a more positive process – it is most often seen as a very negative thing.

Home Authority Principle

Within groups there was some discussion regarding the operation of the Home Authority Principle, with many supporting the concept but experiencing difficulties in practice. In particular there emerged a view that practice varied across Home Authorities, which can lead to difficulties in dealing with some companies. Any inconsistency could be of particular problem for larger firms with operations across a number of Authorities while possibly disadvantaging the smaller business. Particular concerns were also voiced regarding the resources required to effectively operate the Home Authority Principle and for the smaller Authorities this can cause real difficulties.

Legislative Consultation

There was widespread agreement that ‘bad’ legislation led to problems for Authorities and for business and consequently the importance of ensuring, through consultation, that

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legislation was effective could not be overestimated. Nevertheless, there was also recognition of the difficulties in achieving good consultation. With consultation fatigue and cynicism a problem for both the local authorities and the business community. It was felt that consultation favoured both the larger companies and the larger Authorities with smaller operations stretched resources preventing full involvement. Some solutions were proposed such as consultation issues being filtered and focussed on the essential points, technology and e-enablement could be used more effectively to facilitate consultation, while it was suggested both the aggregation and timing of consultation could be improved.

Local Authority Consultation with business

A further aspect of the difficulty with consultation was a similar difficulty at the local level. Within the principles of the Enforcement Concordat establishing an effective relationship with businesses locally is extremely important, yet again there are problems to be overcome. Despite willingness from local authorities to consult business community there remains a lack of resources within the local authority and this was a persistent theme. It was felt that it is difficult to get one voice for business and particularly difficult to reach small businesses and indeed there was a perception that businesses are more concerned with tax and employment issues for the most part rather than environmental health or trading standards. Nevertheless there were encouraging examples of Best Practice which included one Local Authority that out of a 200-letter mail shot to businesses has been able to establish keen interest in forming a series of focus groups. It was agreed that sector specific business consultation groups appear easier to establish

Enforcement Officers exchanging experience

With a key aspect of the Enforcement Concordat being consistency, yet allowing flexibility, and one aim being to encourage best practice, it is clearly important that the exchange of information and best practice be encouraged. Consequently a great deal of discussion on the day surrounded this subject. It was commented that the cycle of meetings between e.g. Trading Standards, Chief Officers, Fire Officers etc of the Local Authorities across Scotland was felt to be underused and that the quarterly meetings available for many enforcement officers within their own discipline could be made use of to disseminate Best Practice, influence the consultation process and drive through implementation of the enforcement concordat principles. Currently existing monthly liaison groups were also felt to be a useful vehicle, while Health & Safety, Environmental Health and Trading Standards already invite speakers from particular groups to present to them the issues as it affects them and the Scottish Licence Trade Association was given as an example of a useful source. There was widespread agreement that dissemination of good practice was worthwhile and important, with reciprocal visits between enforcers and businesses, leading perhaps to the concept of 'ambassadors' being suggested.

Performance Indicators

Some discussion also took place on whether a performance indicator based on the Enforcement Concordat would prove useful. There appeared to be no consensus on this with



delegates suggesting that there is already a raft of PIs proposed for Trading Standards through Audit Scotland – this is far too much of a burden, that Local authority PIs do not “do” anything, that if you get them wrong and they can get you into a load of trouble and business takes no notice of local authority PIs. If there were ever to be a PI it was vital to keep any PI simple, achievable and understandable and that any audit will need to get an honest assessment

Media perceptions of enforcement role:

It was also discussed that the media perception of the role was very much that of the ‘jobs worth’, that media perceptions were exemplified during the metrication discussion and reporting, consequently there was suggested to be a Local Authority role to address these perceptions. It was suggested that improving relationships with local business community would assist with this changing perception and perhaps that a rebranding of the Enforcement Concordat could also assist.

Enforcement Concordat future:

Finally the future for the Enforcement Concordat was touched upon, encouragingly there was enthusiasm for the concordat and a desire for effective implementation, but it was recognised that there remained a need to embed the concordat within Local Authorities and their operations. Before considering any performance indicators (PIs) there must be careful consideration and further discussion. Nevertheless, it was suggested that perhaps the best way of giving the concordat the necessary status to allocate resources/encourage adherence was to develop a PI based on the Enforcement Concordat.

Summary

All groups reconvened for a brief summary of the group discussions. The Chairman thanked everyone for their attendance and enthusiasm on the day. Emphasising again that there was an agreement to the aims of the Concordat, the Chairman said that we could be encouraged by the good work already done, but that we cannot be complacent and must continue to strive to do more. Looking forward to the Second Meeting of the Lead Officers, the Chairman concluded with thanks.