



Scottish Local Authority Enforcement Concordat Lead Officers

2nd Meeting 18th February, Victoria Quay, Edinburgh

With all 32 Scottish Local Authorities having adopted the Enforcement Concordat and its principles this meeting offered another opportunity for all Local Authority Lead Officers to get together to discuss their experiences and ideas. This was the 2nd of the six-monthly meetings that bring together all 32 Local Authorities in Scotland and focussed on “*Consultation with business*”.

Chairman for the day was Warrick Malcolm of the Improving Regulation In Scotland Unit within The Scottish Executive. The day began with an introduction from Warrick Malcolm, presentations then breakout sessions followed by a report back and finished with a brief panel Question & Answer session.

Introduction

Introducing the day Warrick began by highlighting the agreement reached at the first meeting of the group, that the aim of the Enforcement Concordat was to build a supportive relationship between enforcers and business and that communication was key to a successful relationship being developed.

Warrick further highlighted the findings of two pieces of research into the effectiveness of the concordat thus far, the Cabinet Office commissioned report completed by the London School of Economics and the questionnaire completed by the Scottish Local Authorities themselves. The first report stated: “the Concordat introduced some principles which were not widely noted as part of the existing enforcement practice, notably the promotion of participation by firms in some aspects of decision making, and the provision of accessible complaints mechanisms. The research provides evidence that these principles have not been successfully established among enforcement agencies”. The Scottish questionnaire, Warrick commented, asked whether authorities had consulted the business community on the concordat, eleven answered yes, of these two were able to say the exercise resulted in positive feedback which was used to promote change within the council. Warrick said that we could all agree that more could be done.

Summarising the aim for the day Warrick said that recognising the limitations imposed upon us all by the scarce time, money and people resources available, we hoped to provide practical advice and guidance. The day further offered an opportunity for the working group to hear from the authorities what more it could do to help turn the Enforcement Concordat from a good idea into good practice.



Presentations

There were two presentations to start the day, these were:

Jane Todd of the Federation of Small Businesses whose presentation covered “*Consultation with business: When?, Where?, How? And How much? – A business perspective*”.

Explaining that the relationship between small businesses and local authorities was best described as problematic, Jane underlined that consultation and dialogue was the only answer. The theme was how to combat the problem of a majority of businesses being unhappy with the level of consultation from Local Authority within the context of building a relationship between the two. Consultations should be as business friendly as possible using business language and helping business to understand the Local Authority’s role within the Enforcement Concordat. Jane suggested a number of options for consideration - local authorities consult with individual businesses, use focus groups and develop databases of companies in their areas.

Tom Young of CoSLA whose presentation covered “*Consultation with business: good practice and options – Local Authority experience*”.

Tom began his presentation with a recap covering the impetus towards the establishment of the concordat and the progress made so far. He went on to note that although generally, consultation had been patchy last year and that many positive steps have been taken by councils since towards better business consultation. Recognising the number of central government initiatives which local government officers were charged with implementing, Tom highlighted that the effective application of the Enforcement Concordat can in fact be “resource friendly”, pay dividends and actually save time and effort in the long run. He also noted that the setting up of Local Enforcement Forums could act as a focus for continuous improvement of Concordat policies and act as the key consultative vehicle for the Local Authority, alternatively Local Business Partnerships could be considered. Tom ended by highlighting a number of initiatives the Concordat working group intends to take forward in the forthcoming year, including developing a briefing or training pack and developing a website and electronic discussion group.



Breakout Sessions

The second part of the day was taken up by breakout group discussions, the object of which was to establish which problems present the greatest barriers to dialogue and highlight possible answers to some of these issues.

A number of common issues and themes emerged in the breakout sessions and these are summarised below.

Local Authority Consultation with business

Within the principles of the Enforcement Concordat establishing an effective relationship with businesses locally is extremely important, yet there are problems to overcome. One of the main views expressed was the particular difficulty in reaching the small & micro businesses and those not linked to trade associations. It was also suggested that more interdepartmental co-ordination within Local Authorities would help ensure the most efficient and effective consultation with businesses.

Solution – Work with trade associations and others to access businesses, build an authority database containing details of those consulted, how often, which sector and so on to facilitate better and more effective communication. It was suggested that sector specific training, bringing businesses into authorities may develop understanding and co-operation. Local Authority Enforcement Concordat working groups offer an opportunity for co-ordination between services and for taking any chance to eliminate duplication.

Enforcement Officers exchanging experience

Similar to discussion at the first meeting it was suggested that 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 due to the fragmentation within Local Authorities it has proven difficult for some departments within the Local Authorities to be aware of the Enforcement Concordat . It was also suggested that more sharing of information between Local Authorities would prove useful.

Solution: Encouraging the exchange of experience and best practice would be encouraged by the establishing of an electronic discussion group, supporting the continued six monthly meetings. The development of an Enforcement Concordat logo was suggested as a way of encouraging good practice and building a number of ideals and exemplars which could be promoted.

Emergency and Initiative overload

The last year has been a traumatic one for most Local Authorities with a range of emergencies such as Foot & Mouth and initiatives such as Audit Scotland Performance Audit being placed upon them. The consensus was that the Enforcement Concordat as a result had necessarily become less of a priority for most Local Authorities. It was also commented that there was a definite lack of response from consultations and that this could be due to ‘consultation fatigue’.



Solution: Recognising the number of issues faced by local authority officers it is hoped that the forthcoming year would prove less stressful now that Foot and Mouth has been dealt with. Nevertheless the working group will continue to aim for practical help and assistance which can be put in place cheaply and easily. To overcome ‘consultation fatigue’

Panel session/group discussion

To complete the day there was a group discussion with questions to Warrick Malcolm, Jane Todd and Tom Young.

The first question asked was what steps were being taken to involve other enforcement agencies in the Enforcement Concordat work. Warrick replied that in parallel to the work being done to discuss the concordat with the Local Authorities there was an effort to ensure that relevant NDPB’s were also signed up to the principles of the Concordat. For example Customs and Excise, Inland Revenue was just two example of enforcement agencies already signed up to the Concordat, and it was hoped that in future the meetings of the lead officers in Scotland would be extended to include these agencies.

There was some discussion regarding the most appropriate means of consulting with businesses and whether the Internet would offer the best solution. Jane Todd underlined that the most had to be made of electronic means of communication, while there was a risk that a web based consultation can attract a self selecting and non-representative response whilst being overlooked by many businesses, there should be an accompanying effort to better manage, target and raise awareness of consultations. Only then will consultations get the best results from the most appropriate people in the least burdensome manner.

Tom Young was asked to give further clarification of the best practice already in existence. Tom explained that the practice was undoubtedly patchy, but that a number of authorities were at the early stages of developing their consultation procedures and their engagement with business and it was hoped that these would reach a stage where they could provide models for others to follow. The intention was that the working group would build upon the existing Enforcement Concordat guidance and expand this to include examples of best practice, text which authorities could use in their own leaflets, PowerPoint presentations which authorities could use to ensure all officers are up to date with the Concordat.

It was again suggested that an Enforcement Concordat logo, similar to the Plain English Campaign logo, would be a simple yet effective way of endorsing good work and highlighting good practice. The logo would have to be monitored with minimum levels being required before the logo was awarded. The working group would consider this suggestion.

George Paterson of the Food Standards Agency (FSA) outlined the work his organisation had been involved in to improve the quality of their consultations. Recognising that the Food Standards Agency was a relatively young organisation, it was highlighted that the organisation was committed to working with businesses and their representative organisations but that consultation fatigue was a very real problem. The FSA did have a number of good ideas, for example the use of focus groups, but it was recognised that more could yet be done, particularly in the area of forward planning of their consultations.



Flora MacLean of the Scottish Food and Drink Federation agreed that the FSA were committed to engaging business in a meaningful way and that they were to be congratulated on this. Flora emphasised that there was a demand for consultation where its relevance was clear and that organisations such as hers were extremely keen to assist in the facilitation of this dialogue.

There were several other points raised during this session. These included:

- Request for more shared information on best practice from all Local Authorities involved in the Enforcement Concordat.
- More co-operation between Local Authorities and Trade Organisations is required.
- Improve access to information about Enforcement Concordat for business by utilising Local Authority web sites.

Summary

Bringing the day to a close Warrick thanked everyone for their attendance and involvement. Warrick emphasised that the six-monthly meetings extremely useful to the group. But they were only part of the process, in conjunction with these events the working group would issue the second questionnaire, there would be a mailing list set up for discussion to continue, the working group would be working towards re-issuing the guidance with more practical advice and suggestions. Finally, Warrick stressed that the working group was a resource that local authorities themselves could use. The working group had already completed a number of meetings with individual authorities and the intention was to continue this, but in the meantime all authorities were free to contact the group with any queries, requests or suggestions. Continuing the discussion between authorities and between authorities and businesses was vital if the concordat was to be the success we all wish it to be. Warrick finished by looking forward to the next meeting of the group which will again convene after six months.