

To: PLANNING AND ENVIRONMENT COMMITTEE		Subject: ENSURING WELL-BEING THROUGH REGULATORY SERVICES
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 8 June 2005	Ref: CM/CM	

1. Purpose of Report/Introduction

1.1 To advise members of a report on ensuring well-being through regulatory services, which was considered by COSLA's Environment, Sustainability and Community Safety Executive Committee at their meeting on 13 May 2005.

2 Background

2.1 In June 2004 COSLA decided that a working group on 'Ensuring Wellbeing through Regulatory Services' be established, comprising elected members and senior regulatory services officers. It was agreed that it would be chaired by Councillor Helen McKenna of North Lanarkshire Council, in conjunction with the Local Authority Co-ordinators of Regulatory Services (LACORS) and the Chief Officer's Societies for Trading Standards and Environmental Health with the following remit:

- To examine the contribution regulatory services can make to the community wellbeing agenda and specifically the use of the power contained in the Local Government in Scotland Act 2003, "to advance community wellbeing".
- To examine member engagement with Trading Standards and Environmental Health Services, and bring forward proposals for improvement.

3 Proposals/Considerations

3.1 The elected member working group on ensuring well-being through regulatory services has met on three occasions and officers have met on a further three occasions. In addition, the SLAM Centre at Strathclyde University was engaged to carry out "brainstorming" sessions with groups of environmental health and trading standards officers. This work was carried out with Glasgow, North Lanarkshire, Edinburgh, Perth & Kinross and Angus Councils. A separate session was conducted with chief officers at the Annual Congress of the Society of Chief Officers of Environmental Health in Scotland.

3.2 The working group has prepared a report which is split into the following 4 parts:

- **Part 1** – Where has this agenda come from?
 - A brief History of Trading Standards and Environmental Health
 - The beginnings of the wellbeing agenda
 - What is the power of wellbeing? – a summary of the Act
- **Part 2** – Wellbeing and Regulatory Services

- Why link them?
- How can we link them?
- What can we do now?

➤ **Part 3** – Engagement of Elected Members with regulatory services

➤ **Part 4** – Conclusions and recommendations for future actions.

3.3 The final report of the working group was considered by COSLA's Environment, Sustainability and Community Safety Executive Group at their meeting on 13 May 2005. The recommendations in the report were agreed by CoSLA.

3.4 The Executive summary to the working group report is attached as an appendix. A copy of the full report is available in the local government library.

4 Sustainability Implications

4.1 There are no sustainability implications in respect of this report.

5 Corporate Considerations

5.1 The recommendations are consistent with policy and there are no personnel, finance or property implications in this report.

6 Recommendations

6.1 That members note that a COSLA working group on ensuring well-being through regulatory services, chaired by Councillor Helen McKenna, presented a report to COSLA's Environment, Sustainability and Community Safety Executive Group at their meeting on 13 May 2005 and that the recommendations in the report were agreed by CoSLA.

6.2 That members agree that the Council should take forward those recommendations in the report which are targeted at regulatory services and local authorities.

C. Morgan

DP David M Porch
Director of Planning and Environment
26 May 2005

For further information please contact Crawford Morgan, Head of Protective Services, on 01236 616203

The Power of Well-being and Regulatory Services

Executive Summary

This is a critical time for regulatory services in Scotland as elsewhere in the UK. Their future success and indeed their long-term association with local government may well be in the balance. Within the services, recruitment and retention problems are such that over the next five and certainly ten years local government in Scotland will risk not having a viable trading standards and environmental health workforce unless measures are taken. Philip Hampton's report on reducing regulatory burden on business in the UK was accepted in full by the Treasury in the Chancellor's Budget 2005 speech and we understand was a very short step away from recommending the removal of these two services in particular from local government altogether. We are advised by LACORS that the matter is to be reviewed in no more than five years. Should we regard ourselves as having been served notice with regard to local government's stewardship of these vital services upon which the very origins of local government was founded?

In June 2004 COSLA invited me to chair a working group to examine the contribution regulatory services can make to the community well-being agenda and specifically the use of the power contained in the Local Government in Scotland Act 2003, "to advance community well-being". The group was also asked to examine member engagement with Trading Standards and Environmental Health Services.

The working group was supported by members of the Society of Chief Officers of Environmental Health in Scotland (SoCOEHS), the Society of Chief Trading Standards Officers in Scotland (SCOTSS), the Local Authority Co-ordinators of Regulatory Services (LACORS), the Scottish Local Authorities Management Centre (SLAMC) at Strathclyde University and representatives from SOLACE and SOLAR. The elected member working group has met three times and the officers a further three times. In addition the SLAM Centre facilitated "brainstorming" sessions with joint teams of environmental health officers and trading standards officers in Glasgow, Edinburgh, North Lanarkshire, Perth and Kinross and Angus Councils. Additionally a workshop session was held at the March 2005 annual conference of the SoCOEHS.

The work carried out in preparing this report has been useful in educating a range of stakeholders regarding the opportunities presented by the power to advance well-being in the 2003 Act. The report describes the beginnings of the well-being agenda, provides a useful summary of the Act's provisions describes member engagement with TS and EH services and examples of good practice and finally sets out a range of recommendations arising from the groups findings.

The Local Government in Scotland Act 2003

The Local Government in Scotland Act 2003 provides local authorities with the power to undertake or facilitate anything that they consider likely to promote or improve the social, economic or environmental well-being in their area, persons in that area or both of these. The power to advance well-being should be regarded as a power of first resort. The power is therefore a significant resource and freedom for local authorities to draw upon in order to improve public services.

In exercising the power of well-being Councils may incur unlimited expenditure; give financial assistance; enter into arrangements or agreements with any group or person; co-operate with, facilitate or co-ordinate the activities of any person or group; exercise functions on behalf of any person or organisation; provide staff, goods, services or accommodation to any person or organisation.

Councils should consider four tests of the appropriateness of well-being as a means of pursuing action. These are that the activity is likely to promote or improve well being in the area; that the primary purpose of using the power is not to raise money; that it is not explicitly prohibited by other legislation; and that there are no explicit limitations or restrictions in other legislation.

The Link Between Well-being and Regulatory Services

This report considers why we would want to link well-being and regulatory services and suggests a number of reasons including, raising the profile of the services, improving the ability to attract resources, demonstration of the corporate credentials of the services and their ability to work effectively with a variety of partners, and improving their prospects for recruitment and retention of staff. There is no doubt that most of the work of Environmental Health and Trading Standards Services has links to improving the social, economic or environmental well-being of communities, which they serve.

Much of the work undertaken by the working group concentrated on examining the linkages between well-being and regulatory services. This was done at various meetings and at the workshop sessions, which the SLAM Centre facilitated with individual local authorities and in dialogue with both Chief Officer Societies. This produced examples of a wide range of existing good practice and a host of ideas for future exploration and development in connection with the well-being agenda. These are summarised within this report.

In the Budget 2005 the Chancellor, on behalf of the Government, accepted in full the recommendations made by Philip Hampton in his report, "Reducing administrative burdens: effective inspection and enforcement". The recommendations made in the Hampton report and the implications for regulatory services are briefly discussed. One recommendation was that resources should be released from unnecessary inspections and should be redirected towards advice to improve compliance. On that theme the working group has put forward a proposal to the new Improvement Service for Scottish Local Government, suggesting that they fund a scoping exercise to examine ways in which the linkages between businesses and the advice which can be provided by regulatory services might best be improved.

Elected Member Engagement with Trading Standards and Environmental Health Services

The initial suggestion that there was a need to review elected member 'engagement' with trading standards was first made by the Accounts Commission at the time of the publication of the report "Made to Measure? an overview of trading standards services in Scotland". This report recommended a need to "formally involve elected members in policy approval, service planning, and the review of performance".

In June 2004, the LACORS/SLAMC team invited chief executives to comment on member engagement with trading standards services. 22 of 31 COSLA member councils responded. On a few occasions, the reply was from the Chief Executive but more often the respondent was the Service Director or the Head of Service. From the information provided it would appear that in 17 of the 22 councils who responded, member engagement with the trading standards service was thought to be generally good, but how accurate is this picture? All Trading Standards and Environmental Health Service managers were invited in March 2005 to respond to the following question: "*given the current governance and reporting arrangements within your council for Trading Standards and Environmental Health Services, what in your view could be done to improve member engagement with your service?*" A summary of the responses is contained within the report and I would commend these to elected members and officers to consider whether they offer any suggestions, which could usefully be taken forward within individual local authorities.

Recommendations

The working group have tried to identify the organisation or body they feel are best placed to consider implementation of the recommendations. However, some recommendations will be of interest to other groups and indeed it is hoped that the entire report will promote debate on the subject of promoting well-being for the benefit of communities.

It is recommended that regulatory services should:-

- Re-brand existing activities in terms of well-being and other national policy agendas to better capture the attention of key decision-makers and other council services.

- Develop a leadership role in this agenda, but also engage with the well-being agenda to demonstrate the wide scope and remit of the services.
- Highlight their corporate credentials and explore new opportunities for partnership working and joint working. Services must become more adept at sharing best practice across council boundaries.
- Engage with the well-being agenda to demonstrate the enabling rather than the enforcing credentials of the service.
- Celebrate and promote the achievements of the services.
- Sustain the momentum that has been created by the road shows within individual councils, to make sure that Environmental Health and Trading Standards are at least talking about the power of well-being in each council.

It is recommended that local authorities should:-

- Improve elected member engagement.
- Consider the good practice examples and ideas for further development contained within this report and have regard to their potential use for improving the well-being of their area.
- Examine their commitment to Environmental Health Officer and Trading Standards Officer new trainee recruitment programmes.
- Consider additional placement of trading standards and environmental health officers on middle management development programmes.
- Consider the recommendations in the Hampton report with a view to seeking to improve their relationship with businesses within their area, in order to advance economic well-being.
- Consider expanding the development of the use of the powers to advance well-being to other council services.

It is recommended that COSLA should:

- Identify an elected member champion to promote well-being.
- Promote to Local Authorities the availability of the COSLA excellence award in the power to advance well-being category and encourage submissions.

It is recommended that LACORS and COSLA should:

- Facilitate the sharing of best practice on this agenda and work to improve elected member engagement.
- Lobby the Scottish Executive for assistance/resolution to the looming recruitment and retention crisis.

**Councillor Helen McKenna
North Lanarkshire Council
May 2005**