

ANGUS COUNCIL

ENVIRONMENTAL AND LEISURE SERVICES COMMITTEE – 27 NOVEMBER 2003

REGULATORS' CHARTER

REPORT BY DIRECTOR OF ENVIRONMENTAL AND CONSUMER PROTECTION

ABSTRACT

This report introduces to the Committee a document produced by the Department, called a Regulators' Charter, which seeks to clearly set out for the business community the principles of good enforcement to be followed by local authority staff.

1. RECOMMENDATION

The Committee is asked to:

- i) note the content of this report for its interest, and,
- ii) support efforts locally and through COSLA to promote this Charter to the business community.

2. BACKGROUND

Members of the Committee may remember a report in 1998 (Report No 385/98) which introduced to elected members the Government's Good Enforcement Concordat, now simply referred to as the Enforcement Concordat.

The idea behind the Concordat was to make enforcement more "business friendly" for those businesses who were striving to trade fairly and honestly, whilst not restricting enforcement officers from taking action against traders committing serious and/or repeated offences.

The Concordat lays down principles of good enforcement covering standards of service and performance, the need for proportionate responses, consistency in application of the law and the need for clarity and openness.

The Concordat is designed to apply to all regulators and not just those employed in local government. However, Government nationally has struggled to get the Concordat universally adopted and adhered to; and a dearth of publicity and promotion of the principles within the document has not helped.

Various initiatives are being attempted by Government, LACORS (Local Authorities' Co-ordinators of Regulatory Services), COSLA and others to raise the profile of the Concordat and make it work more effectively.

Angus Council's Head of Consumer Protection is a member of a small officer group at COSLA tasked with trying to promote the Concordat in Scotland. All local authorities in Scotland are signed up to the principles, but implementation of all its requirements is still patchy.

The Concordat document itself has been criticised in some quarters for the language used within it, and even for having the word "enforcement" in the title. The business community are still wary of the attitude of some enforcement bodies, and anecdotal stories still abound of over-zealous enforcement staff making life difficult for traders.

An attempt is now being made via a new document, developed in Angus in co-operation with COSLA, to make the principles of the Concordat, and the procedures designed to put them into practice, more easily understood.

3. REGULATORS' CHARTER

We have developed a document called a "Regulators' Charter" which sets out how local authority enforcement staff will put the principles of the Enforcement Concordat into practice.

The Charter is written as clearly as possible, and sets out standards of performance for staff. Whilst the Charter is aimed primarily at the business community, and covers the actions to be taken by local government staff, it could readily be adapted for use by other enforcement agencies who are required to adhere to the same principles.

It is likely that the Charter will be further amended as these other enforcement disciplines come into contact with it, and as it is digested and commented on by the business community.

However, I think the document forms a basis for greater promotion of good principles of enforcement; and it would be nice to think the document could be widely accepted in the future as a way of improving relations with those businesses whose desire it is to trade safely and fairly with its customers both here in Angus and elsewhere.

[A copy of the Regulators' Charter is attached.](#)

4. CONCLUSION

This Charter has the potential to become a key document in efforts to re-invigorate interest in the principles of the Enforcement Concordat, and help make necessary links with businesses more achievable. It is at the interface with the business community that the effort needs to be made to promote the message that regulators do have an advice role and do not solely exist to catch people out.

5. FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

6. HUMAN RIGHTS

There are no human rights implications arising from this report.

7. CONSULTATION

The Chief Executive, Director of Finance, Director of Law and Administration and Economic Development Manager have been consulted on the contents of this report.

S R Heggie
Director of Environmental and Consumer Protection

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

JM/FMCI
12.11.03