

Regulatory Reform Committee Inquiry

Themes and Trends in Regulatory Reform:

Evidence of the
Chartered Institute of Environmental Health

27 February 2009

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines; run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Any enquiries about this submission should be directed in the first instance to:

Bob Mayho
Principal Policy Officer
Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Telephone 020 7827 5860
Email r.mayho@cieh.org

1.0 Regulatory Reform Committee Inquiry – Themes and Trends in Regulatory Reform

1.1 The CIEH offers the following submission in accordance with our mission to maintain, enhance and promote improvements in environmental and public health through knowledge, understanding and campaigning. Our concern is therefore only in the context of regulation intended to protect or promote public health.

1.2 The prevailing Government approach on **regulatory reform** usually starts from the premise that regulation is a burden on business that must be reduced. While we agree that regulation should not be overburdening on business, we also consider that sound regulation, sensibly drafted and implemented, can be a spur to innovation and can encourage the development of new technologies. For example, had there been stronger regulation in the past the UK might have been better placed in the development of “green” technology – with a stronger developed domestic industry and less reliance on imported technologies, such as wind turbines.

1.3 In the current recessionary economic conditions there is a temptation to soft-pedal on the regulation of business, but we do not feel this would be the best way forward; it can be argued for instance that the light-touch regulatory approach (or inadequate regulation) of the banking and securities sector has contributed greatly to the economic downturn. What UK plc continues to require is appropriate and effective regulation.

1.4 The general public expect regulations to safeguard them from unacceptable business practices, “rip-offs” and “rogue traders”, but the regulations in themselves do not achieve that. We rely upon those charged with enforcing the legislation to do that and too often they are pulled in different directions.

1.5 There needs to be less emphasis on the provision of advice and guidance from the centre, a trend that is set to continue in terms of local authority regulation with the establishment of the LBRO for example, while there should be greater allowance for local accountability and expertise, allowing local government to truly fulfil its ability to reflect local needs. Local authorities constitutionally at least, are not local agents of government.

1.6 The Chartered Institute of course supports **risk-based regulation**, which has been at the foundation of the work of environmental health practitioners for some time, but a greater understanding of risk and who is at risk should be more explicit.

1.7 We perceive that there is a clear gap between the expectations of regulation and their implementation or enforcement. There needs to be more thought given in Government when framing regulations on how they will be implemented in practice. Government could improve its ability to regulate proportionately firstly by better working between departments so that regulations that affect a business are consistent and non-contradictory. To that end we support the efforts that have been made towards the simplification of regulation.

1.8 We believe that that there is an **inconsistency of approach** to regulation and enforcement across (and even within) central government departments and agencies. It needs to be remembered that local authorities are sovereign bodies and as such it will be difficult to achieve (or impose) consistency across them all, nor is it desirable; but is uniformity necessary, so long as the public have confidence in regulatory services and those on the receiving end of regulation know how they will be dealt with?

1.9 The Committee's interest in the conditions for **business growth** is welcome. We would also welcome consideration of how business success might be defined – what might constitute “success” from the perspective of the owner might not necessarily be the same from the consumer's point of view. Perhaps the contribution of a business to sustainable development may be a better approach.

1.10 The Regulatory Enforcement and Sanctions Act 2008 introduces the **primary authority scheme** and allows local authorities to charge a fee on a business with which they enter a primary authority partnership for that service. The issue of charging for Primary Authorities must consider the impact on other regulatory activities. We know from our members' experience that SMEs and micro business benefit most from the advice and guidance on compliance issues that environmental health practitioners can offer them. What will happen to those businesses that need support yet do not qualify, or cannot afford, a primary authority relationship at a time when we know that local authority budgets are extremely stretched?

1.11 It is our view that Regulations are now more likely to be drafted with the needs business paramount – whereas a better balance must be struck, with the needs of those required to interpret and implement regulation given due prominence. At present, we feel there is an inadequate focus on compliance and enforcement issues.

1.12 **Effective regulation** can be achieved as much by ensuring the competency of inspectors as by any central guidance. The CIEH as the professional body of EHPs is taking steps to ensure that the routes to professional practice are robust and up to date and that its members are competent. But we are only part of the picture: the effectiveness of this approach depends much upon local authorities as employers, and environmental health is often under-resourced. Like all functions of local government, environmental health is coping with the impact of cut backs but there needs to be a good understanding of the impacts of cuts on consumer protection – and this in turn impacts upon the understanding of risk and the assessment of “what works”.

1.13 We are concerned that local authorities will cease to invest in the professional competence and development of EHPs but, encouraged by central direction and the drive to find savings, will seek to employ officers able only to take a “tick box” and rigid approach to regulation who may be less able to utilise professional judgment and take a proportionate approach, or even provide the sort of advice and support that many businesses and managers appreciate.

1.14 In their efforts to **design better regulations** and more effective enforcement, we believe that Government could make better use of the professional institutions. The regulations are drafted by Government departments not the regulators and it might be that there would be no need for the “regulatory reform” business if there was better drafting and more effective Parliamentary scrutiny. This would also imply fewer new regulations. There ought also to be a more coherent process for assessing how new regulations work in practice.