

JOINT COMMITTEE

Date 26th June 2014

The Regulators' Code

Recommendation

That the Joint Committee notes the headline requirements of the Code and endorses the approach being taken by Worcestershire Regulatory Services in relation to embedding these.

Contribution to Priorities

The Code is to help regulatory services balance enforcement responsibilities with the need to ensure growth and supporting the local economy. It is to help regulators to avoid putting unnecessary burdens on legitimate businesses whilst allowing them the freedom to deal with the real rogues.

Background

The Regulators Code replaces the Regulators Compliance Code, previously published by the Better Regulation Delivery Office. These codes have statutory implementation through the Regulatory and Enforcement Sanctions Act 2008. The Regulators' Code was published in July 2013, ahead of its statutory implementation, in order to allow regulators time to comment, review their existing practices and to identify any steps that they needed to take in order to meet the expectations of revised Code, which came into force on April 6th 2014. From this date, local authorities will be under a statutory duty to have regard to the Code when developing the principles and policies which guide their regulatory activities.

Report

The Code requires Regulators to:

- Carry out activities in a way that supports those they regulate to comply and grow
- Provide simple and straightforward ways to engage

with those they regulate and hear their views

- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Ensure that their approach to their regulatory activities is transparent

All functions of WRS are risk-based, using national risk assessment schemes to target businesses for intervention. This approach has been further complemented by the recent implementation of intelligence-led enforcement, particularly across Trading Standards functionality. Managers will be looking at options for use of intelligence more widely going forward.

Close working with the Worcestershire LEP has enabled WRS to engage more with the business community and this work is on-going. Reviewing the WRS approach to businesses during work on Systems Thinking has led to more streamlined processes with a reduction in both unnecessary documentation and contact with better performing businesses. In order to meet the Code requirements of transparency a document entitled "What you can expect from Worcestershire Regulatory Services" is currently being completed for publication on the WRS website.

The recent reduction in funding for the Trading Standards functions has resulted in a reduction in the business advice offer for this part of WRS as this was not included in the activities which constitute "minimum statutory duty" requested by the County Council. It is intended to provide up to date leaflet materials for businesses in order to "channel shift" businesses more towards self-help. This will go some way towards meeting the Code requirement which specifically states

"When designing and reviewing policies, operational procedures and practices, regulators should consider how they might support or enable economic growth for compliant businesses".

Other requirements of the Code are met through the existing WRS Enforcement Policy, which was written with the previous Code in mind, although this Policy will be further reviewed to ensure all elements are caught and put before



Financial Implications

members for ratification should it need amending.

None

Sustainability

Not applicable

Contact Points

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Background Papers

Regulators Code:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf
