

REPORT TITLE **Stoke-on-Trent and Staffordshire Local Enterprise Partnership Regulatory Charter**

Submitted by: **Nesta Henshaw – Head of Environmental Health Services**

Portfolio: **Environment & Recycling**

Ward(s) affected: **All Wards**

Purpose of the Report

To advise members of the Regulatory Charter, which has been developed through the Stoke-on-Trent and Staffordshire Local Enterprise Partnership (LEP) and has been agreed by National and other Local Regulators.

Recommendations

That the report be noted and Cabinet endorses the implementation of the Regulatory Charter.

Reasons

Newcastle-under-Lyme Borough Council as a member of the Stoke-on-Trent and Staffordshire LEP recognises that economic growth is dependent on private sector growth and is committed to helping businesses in the area to flourish.

The signing of the Regulatory Charter shows the commitment of regulatory services within the Council to use regulation to provide a level trading platform that is fair to all business; to communicate consistent accurate advice and support in regard to regulatory controls; and to target our enforcement and regulatory resources on those businesses that have no intention of complying with legislative requirements.

1. Background

- 1.1 There is a plethora of local and national regulators in existence who have an impact on businesses (whether they be start-up businesses or well established ones). For many businesses, especially the small and medium enterprises, the regulatory landscape can be confusing and daunting. There may be a lack of knowledge and/or capacity in the business about what is required to do to ensure compliance and where they need to go for advice.
- 1.2 Regulation is seen by many in business and Government as a burden and regulators have increasingly acknowledged that efforts should be made to reduce these burdens to facilitate economic growth. The Stoke-on-Trent and Staffordshire LEP, Business Development sub-group have responsibility for developing the “Red Carpet” approach for business and as a part of that work wish to look at opportunities to take forward the Regulation for Growth agenda.
- 1.3 Whilst Regulation is seen by some as a burden, this perception misses the crucial point; that consistent regulation plays an important part in providing a level trading platform that is fair to all business. In this regard, regulation can be an aid to growth and prosperity, particularly if regulators are seen to work with business, to understand the impacts their activities have on business, and to create opportunities to communicate consistent accurate advice and support in regard to regulatory controls.

- 1.4 Creating a vision of how Regulation is to be viewed by businesses in Stoke on Trent and Staffordshire is important for all. All Regulators being committed to providing a business friendly approach with a desire to help businesses succeed will have positive impact on perceptions of business and how they view regulation.
- 1.5 The government's Better Regulation Delivery Office (BRDO) is working towards a regulatory environment in which businesses have the confidence to invest, grow and citizens and communities are properly protected. Through its priorities, BRDO aims to help regulators and businesses work together.

2. **Issues**

- 2.1 The Regulation for Growth Regulatory Charter working group engaged with officers and executive representatives from a number of local and national regulators operating in the LEP, including the local authorities hoping to spread awareness of the work on the Regulatory Charter. The role of the Regulatory Charter Working Group is to provide an overall Charter for Regulatory Stakeholders to sign, highlighting the approach Stoke on Trent and Staffordshire have with regard to Regulation. Ultimately the Charter will support new and existing businesses by setting out the responsibilities of regulatory services and businesses in Stoke-on-Trent and Staffordshire.
- 2.2 Local authority regulators in Stoke-on-Trent and Staffordshire are seeking to highlight to business their support and commitment to the principles of Better Business for All by the launch of a Regulatory Charter signed by each Council, and by the Stoke and Staffordshire LEP on behalf of business.
- 2.2 The following bodies have indicated a willingness to sign or support the Regulatory Charter:
- Federation of Small Businesses,
 - North Staffordshire Chambers of Commerce and Industry,
 - Advisory, Conciliation and Arbitration Service,
 - Staffordshire Fire and Rescue Service,
 - Staffordshire Police Service,
 - Staffordshire Office of the Police and Crime Commissioner,
 - Her Majesty's Revenue and Customs,
 - Environment Agency.

The following local authorities have agreed to sign the Regulatory Charter:

- Cannock Chase District Council,
 - Lichfield District Council,
 - Newcastle-under-Lyme Borough Council,
 - South Staffordshire District Council,
 - Stafford Borough Council,
 - Staffordshire Moorlands District Council,
 - Stoke-on-Trent City Council,
 - Staffordshire County Council.
- 2.3 In essence the Charter, attached at Appendix A, pulls together a number of themes for regulators around promoting fairness for businesses while ensuring protection of both the public and environment from harm, and improving the consistency of regulatory actions without imposing unnecessary burdens on business.

- 2.4 The Charter commits regulatory services to principles of proportionality, accountability, transparency and consistency, and to engaging in targeted regulatory activities rather than interventions driven by numbers or performance targets. These ideals are far from unique, and have been around for many years in a number of guises; notably the Enforcement Concordat, and the Regulators Compliance Code and in Newcastle Borough Council's Enforcement Policy. The difference with the Charter is that it engages the majority of key regulators across the whole of Stoke on Trent and Staffordshire.
- 2.5 The Charter also commits the business community, via the LEP to be open, constructive, and transparent in their dealings with regulators in order to build a positive two way relationship.
- 2.6 A charter signing event is being held on 21st July 2014 at which appropriate senior member and officer representatives of this Council will be present.

3. **Options considered**

- 3.1 In simple terms the Council can either sign-up to the proposed Regulatory Charter or it could choose not to. In practice it would not affect the way in which the Council undertakes its regulatory functions if the Council did not become a signatory. However the benefit of endorsing is that it demonstrates a clear commitment to our approach to regulation with the business community and alongside our partner regulatory organisations.

4. **Proposal**

That the report be noted and Cabinet endorses the implementation of the Regulatory Charter.

5. **Reasons for Preferred Solution**

- 5.1 The objectives of the regulatory charter are:
- Reduce regulatory burdens on new and expanding businesses.
 - To create a Regulatory Charter that sets out the responsibilities of regulators and businesses in Stoke-on-Trent and Staffordshire.
 - To encourage local and national regulators, as well as other stakeholders to sign up to the regulator charter.
 - Build trust between new and expanding businesses and regulators.

6. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 6.1 The proposals relate to the adoption of a consistent and effective enforcement policy which would contribute to the following:
- A clean, safe and sustainable borough
- The negative impacts that the Council, residents and local businesses have on the environment will have reduced.
- A borough of opportunity
- Fair, proportionate and consistent enforcement creates an equal opportunity for business to thrive.
- A co-operative Council delivering high quality, community driven, services.
- High performing services and support will be delivered for businesses and customers.

- The charter commits both business and the regulators to engagement.

7. **Legal and Statutory Implications**

- 7.1 The preparation, publishing and implementation of the regulatory charter is not in itself a legal requirement. However, it does demonstrate the Council's commitment to the work of the LEP and endorses the Government principle of reducing the burden of regulation on business.

8. **Equality Impact Assessment**

- 8.1 No issues have been identified.

9. **Financial and Resource Implications**

- 9.1 There are no financial implications associated with the recommendation.
- 9.2 Resources for business support and implementation of the charter will be from within existing resources.

10. **Major Risks**

- 10.1 A risk assessment has been undertaken and is available upon request.

11. **Key Decision Information**

- 11.1 Agreeing to the regulatory charter is a key decision as it will affect all wards within the Borough.

12. **List of Appendices**

Appendix A – Regulatory Charter

Stoke-on-Trent & Staffordshire Local Enterprise Partnership Regulatory Charter

This is a charter agreed by local authorities, regulators and the business community within the Stoke-on-Trent & Staffordshire Local Enterprise Partnership area.

The partners are committed to working together to provide a regulatory environment that promotes success in business whilst continuing to provide public protection and consistency for business. The charter sets out roles and responsibilities for partners to achieve this aim.

We believe good regulation is essential, in promoting fairness and the protection of both the public and environment from harm, and acts as an enabler to economic growth. Partners to this agreement will work together to provide an environment that will enhance necessary, balanced well-targeted regulation.

Local, Regional and National Regulators will work collaboratively to:

1. Provide timely support for business in creative and innovative forms.
2. Be business friendly and engage with businesses in a constructive and positive manner.
3. Take ownership of any business enquiry and ensure it is dealt with by the appropriate regulator
4. Drive up standards of service within their area of expertise, particularly by listening to local businesses.
5. Be accountable
6. Promote efficient and effective approaches to regulation, where ever possible offering advice and guidance in preference to other enforcement activity.
7. Improve regulatory outcomes without imposing unnecessary burdens on business, the Third Sector and other regulated entities

Regulators will be:

- (i) Proportionate - activities will reflect the level of risk to the public and action taken will correspond to the seriousness of the offence,
- (ii) Accountable – activities will be open to public scrutiny, with clear and accessible policies, and a fair and efficient complaints procedures,
- (iii) Consistent – advice will be robust and reliable and will respect advice provided by others. Where circumstances are similar, services will endeavour to act in consistent ways.
- (iv) Transparent – regulators will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – regulators will focus their resources predominantly on higher risk enterprises and activities, reflecting local need and national priorities.

The **Business Community** will:

1. Engage with regulators in a constructive and positive manner
2. Be open and direct with their communication with regulators
3. Be fair, helpful and transparent when dealing with regulators staff.
4. Provide genuine feedback to regulators.
5. Engage in business and Regulator forums, and other opportunities, to shape regulation delivery in the LEP area, which should help to increase knowledge of regulatory matters affecting their businesses.