
REPORT TO:	Environment and Development Services	AGENDA ITEM: 11
DATE OF MEETING:	2nd October 2014	CATEGORY: DELEGATED
REPORT FROM:	Director of Housing and Environmental Services	OPEN
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SUBJECT:	Regulators' Code	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS 13, EDS 14

1. Recommendations

- 1.1 The Committee is recommended to approve the proposed actions identified in the report following a review of the Council's regulatory services in the light of the publication of the Regulators' Code.
- 1.2 The Committee is recommended to approve the contents of this document as evidence that the regulation of the business community by South Derbyshire District Council is compliant with the principles of the Regulators' Code and therefore with the requirements of the Legislative and Regulatory Reform Act 2006.

2. Purpose of Report

- 2.1 To advise Members of the changes in statutory guidance in the way that the Council's enforcement services are directed to regulate the local business community.
- 2.2 To inform the Committee of the existing measures being taken by the regulatory services in South Derbyshire District Council to ensure that law enforcement is proportionate, consistent and targeted.
- 2.3 To advise Members of actions which will be taken to further ensure that the principles of proportionality, consistency and targeting are applied to the way we regulate local businesses.

3. Detail

- 3.1 In the Autumn Statement 2012 Government announced that it would introduce a package of measures to improve the way businesses are regulated. It stated its commitment to supporting economic recovery through reducing regulatory burdens and supporting compliant business growth by the development of an open and constructive relationship between regulators and those they regulate.

- 3.2 In April 2014 the Department for Business Innovation and Skills published a [Regulators' Code](#) (the 'Code'). The Code provides a framework for regulation of businesses that directs regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.
- 3.3 The stated aim of the Code is to seek to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate. These aims are a direct replication of the 'regulatory principles' stated in Section 2(3) of the Legislative and Regulatory Reform Act 2006 ('the Act').
- 3.4 It is a requirement of the Act that relevant parts of the Council must have regard to the Code when developing policies and operational procedures that guide their regulatory activities. Specifically these parts of the Council are those defined in Schedule 3 of the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 and these are;
- Environmental Health (all parts of the service);
Licensing (all parts of the service);
- 3.5 Planning enforcement, building control and Community Safety enforcement are not covered by the code.
- 3.6 The Code gives six requirements which regulators must have regard to. Within each of these six requirements the Code provides further details about how each should be met.
- 3.7 Following the publication of the Code, officers have reviewed the content, carried out a self-assessment of our existing activities from the perspective of demonstrating compliance with the Code's principles and identified any parts of the Code where we do not feel we can currently offer sufficient evidence of compliance. We have then made proposals about what we can do to address this. The outcome of the assessment is summarised in Appendix 1 of this report.
- 3.8 The assessment in Appendix 1 considers each of the six requirements of the Code (in Column 1 headed 'Requirement'). In column 2 (headed 'Cross Cutting') we have identified what we already do to meet some or all of the principles. In column 3 (headed 'Specific') we have identified what we already do specifically in relation to each of the six requirements. In column 4 (headed 'Proposals') we have identified other actions we can take to further improve our regulation of the local business sector in accordance with the Code.
- 3.9 Paragraph 2.1 of the Code states that "Regulators should have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards". We consider that seeking Members views on the proportionality, consistency and targeting of the relevant services by virtue of this report is a significant part of meeting this Code requirement.

4. Financial Implications

- 4.1 We do not anticipate that delivering the commitments stated in Appendix 1 will have any financial implications which cannot be met within existing budgets.

5. Corporate Implications

- 5.1 The proposals meet the Corporate Plan themes of both “sustainable growth and opportunity” and “value for money”.

6. Community Implications

- 6.1 The proposals fit with the Community Strategy theme of “A vibrant economy”. As an outcome of this report we hope to give the business community in South Derbyshire the confidence that they are being regulated in the fairest way possible in order to encourage them to invest in our District.

7. Background Papers

- 7.1 Department for Business Innovation and Skills, Better Regulation Delivery Office, “Regulators’ Code” (April 2014)
- 7.2 Legislative and Regulatory Reform Act 2006
- 7.3 Legislative and Regulatory Reform (Regulatory Functions) Order 2007