



Ministry of Housing,
Communities &
Local Government

Date: 26 January 2021

Email: LGResponse@communities.gov.uk

Dear Chief Executives,

Delivering Local Authority Regulatory Services over Winter 2021

I would like to pass on my thanks for the continued efforts made by everyone in local government to suppress the virus and support local communities at this difficult time. In particular, I would like to acknowledge the work of regulatory services teams as they respond to the additional pressures of COVID-19 and EU transition.

To help manage the increased responsibilities falling on regulatory services, the Ministry of Housing, Communities and Local Government (MHCLG) has convened a cross-government Regulatory Services Task and Finish Group, including senior representatives from councils and the Local Government Association (LGA). The group is working to coordinate central government's asks of local authority regulatory services and consider how we support the sustainability of these essential services in the context of immediate pressures and in the longer term. The valuable work of the existing Local Authority Compliance Working Group will continue alongside this new cross-government group.

We have heard from many of you about the pressure these services are under. We know that councils were already taking a risk-based approach to regulation following reductions in capacity, and that the demands of COVID-19 and EU transition have stretched the need to do so still further. We have also received feedback that it would be helpful for government to provide a steer on national priorities to help inform local approaches and management of resources across all regulatory areas including licensing, trading standards and environmental health.

We have therefore developed a table of existing regulatory services activities, categorised to help support local authority decision-making, included in the Annex below. While statutory duties will need to continue to be met across all activities, in some areas government has introduced changes to reduce burdens or streamline activity, and details of these are set out.

We recognise that this is by no means a complete picture of the full range of activities, but hope that providing this view of national priorities will better support your work to carry out these vital services for your communities and to agree your local priorities. We recognise and support the need to prioritise activity based on local circumstances, businesses and local economies.

In preparing this letter we have also worked closely with the Food Standards Agency (FSA), who have issued a temporary prioritisation framework for local authorities which has been extended until at least the end of June 2021. The FSA will also be writing regarding the end of year reporting requirements for 2020/21 and will be engaging with local authorities in due course regarding options for re-starting the planned programme of interventions and a pragmatic approach to addressing the backlog.

For authorities facing immediate resourcing pressures, government has worked with the Chartered Institute of Environmental Health and the LGA to launch an Environmental Health Officer register. *Environmental Health Together* includes details of skilled environmental health professionals who are available to work, available at www.local.gov.uk/environmental-health-together-councils-sign.

I would like to offer my thanks to the members of the Local Authority Compliance Working Group and local government members of the Regulatory Services Task and Finish Group for their suggestions and constructive feedback, which have informed this work. We recognise that the coming months will see a significant ask of our regulatory services and we will continue to work to support you during this period and beyond.

If you require further information or have any queries on this please do not hesitate to contact us at LGResponse@communities.gov.uk.

Yours,

A handwritten signature in black ink, appearing to read 'Julia Sweeney', with a stylized flourish at the end.

Julia Sweeney
Director Local Government and Communities

Prioritisation Annex

Delivering Local Authority Regulatory Services over Winter 2021

The table organises regulatory activities into three categories related to their prioritisation (please see below for category definitions). It includes additional information on the measures and details of any changes to reduce burdens or streamline activity, where applicable.

Please note that across all regulatory activities statutory duties must still be met regardless of category.

It is acknowledged that priorities will vary depending on area and local context, and this is intended to support local decision making over this period of concurrent pressures. Where an activity applies only to certain locations, such as port areas, this has been indicated. Understanding and maintaining a knowledge of the activities of local businesses, especially new businesses, is needed to inform local risk-based approaches.

Category	Definition
A	Covid-19, Transition and highest priority reactive work: please focus effort and resource on these activities.
B	High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.
C	Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.

Category A activity: Covid-19, Transition and highest priority reactive work: please focus effort and resource on these activities.

Activity	Type	Lead Government department	Further information
Covid-19			
COVID-19 business restrictions – advice and enforcement <ul style="list-style-type: none"> Provision of advice to business on the application of Covid-19 regulations, investigation and action following complaint, and enforcement of COVID provisions. Reporting to the Office for Product Safety & Standards (OPSS) Health and safety at work related Covid-19 enforcement activity based upon local and national intelligence. 	Covid-19	BEIS Health and Safety Executive	Reporting to OPSS has been designed to simplify reporting, with data collected once for use across government. Health and Safety at work guidance on making your workplace COVID-19 secure is available here
COVID-19 – outbreak control <ul style="list-style-type: none"> Investigation of Covid-19 and other infectious disease outbreaks in workplaces and the community. Advice on mitigating transmission. 	Covid-19	DHSC	
COVID-19-related sports grounds safety: <i>(in areas/tiers where spectators are allowed into stadia – not applicable when closed during lockdown)</i> . Including: <ul style="list-style-type: none"> Chair and administer Safety Advisory Group meetings Enforcement of health and safety law Amending General Safety Certificates for stadia admitting spectators, which reflect how the competition venue is Covid-19 secure Approval crowd management plans; enforce safe travel routes Assess need for additional mitigations at neighbouring areas and/or licenced premises and work with delivery partners to enforce them 	Covid-19	DCMS	Further information is available in the Stage 5 return to competition guidance available here . Note that this will only apply in areas where spectators are allowed into stadia based on latest Covid-19 guidance.
Business confidence – Primary Authority relating to Transition / COVID-19 <ul style="list-style-type: none"> Primary Authority advice on matters relating to EU Transition/COVID-19 supports business understanding and confidence in implementing any changes needed. 	Covid-19 / Transition	BEIS	Noting that Primary Authority is often provided with costs recovered through charges to business.
Transition			
Location-specific border and certification activity <ul style="list-style-type: none"> <u>Changes to Import Requirements for animals and Sanitary Phytosanitary (SPS) goods:</u> Full external border and SPS controls will be placed on animals, products of animal origin, high risk food and feed not of animal origin (HRFNAO), and animal by-products entering GB from EU, but phased in in stages at January, April, and July 2021. <u>Export certification of fishery products:</u> Export certification of fishery products, live bivalve molluscs, and certain composite products for trade with the EU and movements to NI following the end of the Transition Period. <u>Import checks on Illegal, Unreported and Unregulated (IUU) catch certificates</u> for consignments of fish products from EU. Port Health Authorities (PHAs) are the competent authorities for checking IUU documentation (catch certificates, processing statements, storage documents) for freight imports. 	Transition	Defra	<ul style="list-style-type: none"> <u>Changes to Import Requirements for animals and Sanitary Phytosanitary (SPS) goods:</u> Import of products, animals, food and feed system (IPAFFS) has been in use for Rest of World (RoW) imports since Dec 2020. Defra is providing readiness support to Port Health Authorities including direct engagement, funding to recruit additional staff, guidance documents, and training. Costs are recoverable from the introduction of checks in readiness for activities required from 1st April, and 1st July. Defra has recently issued advice on the export regime for HRFNAO <u>Export certification of fishery products:</u> This is a chargeable non-statutory activity for which LAs can charge cost recovery.

<ul style="list-style-type: none"> • <u>Organic certificates of Inspection</u>: Organic food and feed from third countries require a certificate of inspection (COI). • <u>Export certification of HRFNAO</u>: Export of a small proportion of non-retail bound HRFNAO (annex 2 goods, present in a quantity over 20% - legislation 2019/1793) needs to be certified before moving to NI or EU. • <u>Export of Natural Mineral Waters (NMWs) – Food Compositional Standards</u>: LAs must confirm that the natural mineral water company complies with the EU directive on NMW. 			<ul style="list-style-type: none"> • <u>IUU Catch Certificates</u> Each PHA has discretion to interpret the regulations independently. • <u>Organic Certificates of Inspection</u>: A phased approach is being implemented to provide additional time for ports to adjust to the new GB organic import processes. The requirements for clearing the new GB certificates of Inspection are waived until 1 July 2021 for goods imported from the EU, Norway, Iceland, Liechtenstein and Switzerland. All other third countries must provide a GB Certificate of Inspection. However, there are some Covid-19 easement to reduce pressures and risks for exporters and the ports. • <u>Export certification of HRFNAO</u>: This is a chargeable non-statutory activity relating to the re-export of a subset of goods Not of Animal Origin which are designated as High Risk e.g. pistachios from Iran or products containing 20% more of these. Government has recently issued a detailed note setting out the checks regime for HRFNAO, which is available here.
<p>Trade in Goods high priority safety activity</p> <ul style="list-style-type: none"> • <u>Trade in goods - product safety</u>: Risk-based checks of consumer products at borders and inland for safety issues, and taking action on dangerous goods including PPE. 	Transition	BEIS	
<p>Mitigation and contingency planning at Kent and short straits / high impact locations (location specific)</p> <ul style="list-style-type: none"> • Proactive input from LA relevant departments and regulatory services to implement mitigation and contingency planning activities to minimise and manage potential disruption at Kent and other high impact port locations. 	Transition	Border and Protocol Delivery Group	Local Resilience Forums (LRFs) are responsible for the development of local contingency plans and traffic management plans and will liaise with affected LAs.
<p>Other highest risk regulatory work</p>			
<p>To be determined locally based on local circumstances, including business and local intelligence, and taking into account factors such as the potential scale of harm the issue could cause, vulnerability of persons affected and their ability to identify risk and protect themselves, etc. For example including:</p> <ul style="list-style-type: none"> • Health and safety work related to issues of high priority, for example work related to major or fatal injuries. • Environmental permitting related to issues of high risk / priority in LA identified high-risk sites. • High priority business critical checks at Border Control Posts (BCP) / ports – such as customs checks relating to the Fertilisers and Ammonium Nitrate Material Regulations, full third country checks on imports of plants, animals and animal products; (N.b. temporary COVID-19 easements on some third country and EU imports have been introduced. This includes allowing BCP to accept e-certification for some third country imports instead of original paper certification when the consignments arrive at the BCP). • FSA guidance – for Transition activities refer to FSA guidance issued 30 September 2020 – ‘<i>Table 1 - Sector specific official controls/EU exit priorities that must be undertaken</i>’. For other highest priority activities refer to the high priority section of ‘<i>Table 2: Prioritisation of other official control activities in registered and approved establishments</i>’. This framework establishes the very minimum expectation for statutory official controls in the highest risk businesses, those where there is a specific statutory requirement, and to deal with any urgent reactive work, such as responding to a food incident or food crime. 			

Category B activity: High priority: please continue to deliver these activities wherever possible, recognising that activities in Category A may take precedence.

Activity	Type	Government Department	Further information
<p>Private rented sector enforcement</p> <ul style="list-style-type: none"> Primarily enforcement under the Housing Act 2004 of hazardous conditions in rented homes and property licensing. Enforcement of other provisions, e.g. electrical and gas installations, smoke detectors, minimum energy efficiency. Non-statutory enforcement of tenancy issues: unlawful eviction and harassment, financial protections etc. 	BAU	MHCLG	<p>Work to maintain standards in the private rented sector (PRS).</p> <ul style="list-style-type: none"> Ensure PRS enforcement policies are up to date, taking into account the current situation. Take a pragmatic approach to enforcement that ensures tenants are kept safe and landlords are supported. Ensure all work is carried out in line with LAs' own health and safety policies and procedures. Base all decisions on an assessment of risk.
<p>Tobacco and related products enforcement activity</p> <ul style="list-style-type: none"> Tackling illicit tobacco, ensuring businesses comply with the age of sale, product standards, advertising, smoke-free and display regulations. 	BAU	DHSC	<p>LAs should continue tobacco and related product legislation enforcement activity under its statutory obligations. These protect public health and tackle trade that facilitates crime.</p>
<p>Licensing</p> <ul style="list-style-type: none"> <u>Taxi and Private Hire Vehicle (PHV) licensing:</u> Licensing authorities administering and enforcing the taxi and PHV including processing licence applications (driver, vehicle and operator) and compliance activity. <u>Gambling premises licenses, regulation and permits:</u> issuing of gambling premises licenses and the inspection and enforcement of licences, permits and permissions. Regulating gambling and gaming machines in clubs, and on alcohol licensed premises. Regulating horse and dog tracks. Granting permits to family entertainment centres for the use of certain lower stake gaming machines and permits for prize gaming. Registering small society lotteries. <u>Alcohol - inspection of premises by licensing authorities:</u> where there has been intelligence or a complaint that the premises are breaching their license conditions. 	BAU	<p>Department for Transport</p> <p>DCMS</p> <p>Home Office</p>	<p><u>Taxi and Private Hire Vehicle (PHV) licensing:</u> The sector must be enabled to provide transport to critical workers when other modes are unavailable, to those that are unable to or should avoid other modes and home to school transport. LAs should consider adapting processes where necessary. For example, whilst compliance and enforcement activity should continue where this is to maintain public safety – other complaints and enforcement can be deprioritised.</p>
<p>Air quality and the environment</p> <ul style="list-style-type: none"> <u>Local Air Quality Management:</u> The Environment Act requires LAs to review and assess air quality in their area against the objectives in the Air Quality Regulations 2000, including introducing an air quality plan where one or more of the air quality objectives is not likely to be met. <u>Environmental permitting related to issues that are not high risk/ priority:</u> Including permitting some industrial sectors and regulating medium-small installations' emissions to air, water and land (under Environmental Permitting Regulations 2016). <u>Industrial reporting:</u> Feeding into several statutory industrial reporting work streams: Integrated PRTR-LCP - Regulation (EC) No 166/2006; EU Registry - Directive 2010/75/EU; and Paints reporting. 	BAU	Defra	<p><u>Environmental permitting:</u> LAs can take a risk-based approach, noting that prolonged regulatory inactivity on lower risk sites may lead to a requirement to move activity into the high-risk category.</p> <p><u>Industrial reporting:</u> Statutory duties need to be done but may have longer lead in time: Defra has already arranged processes to give LAs more time to complete their reporting.</p>
<p>Animal health & welfare</p> <ul style="list-style-type: none"> <u>Welfare in transport and at markets:</u> Responsibility for enforcement of the Welfare of Farmed Animals (England) Regulations 2007, the Welfare of Animals at Markets Order 1990, and the Welfare in Transport Regulation No 1/2005 (as retained in GB legislation). 	BAU	Defra	<p><u>Welfare on farm, at markets and in transport:</u> LAs can take a risk-based approach using previous experience and intelligence of risks.</p> <p><u>Licensing of activities involving animals regulations:</u></p> <ul style="list-style-type: none"> LAs should consider adapting processes where necessary - prioritising compliance and enforcement activity around

<ul style="list-style-type: none"> • <u>Licensing of activities involving animals regulations:</u> Licensing authorities administering and enforcing the Animal Activities Licensing regime including processing licence applications and compliance activity. • <u>Enforcement of the Zoo Licensing Act 1981:</u> LAs are responsible for the licensing of zoos in GB, including processing licence applications, arranging annual inspections and undertaking compliance activity. 			<p>dog breeding and pet selling particularly. As a result of COVID-19 related restrictions, there are current additional risks to animal welfare in these activity sectors, caused by surge in demand and increasing value of pets. Organised crime is exploiting the situation (as restrictions prevent prospective owners from viewing animals in their home environments prior to purchase).</p> <ul style="list-style-type: none"> • LA licensing costs with respect to this regime are cost-recoverable through fees including the reasonable costs of enforcement. • It remains at LAs' discretion to vary a licence under s.9 of the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 by extending the licence period until restrictions are lifted and inspections can resume more easily. (Licence holder's consent is required to vary a licence and maximum licence period under the regulations is 3 years, so the licence could not be extended beyond that).
<p>Sports ground safety</p> <ul style="list-style-type: none"> • Issuing and enforcing safety certificates (where this does not relate to the return to competition) in respect of a sports ground under the Safety of Sports Grounds Act 1975 and/or the Fire Safety and Safety of Places of Sport Act 1987. 	BAU	DCMS	<p>Other activities under these Acts include:</p> <ul style="list-style-type: none"> • Closure of competition venues under emergency conditions when matters of safety give cause for concern. • Power of entry to competition venues which are subject to safety certification.
<p>Noise and nuisance complaints</p> <ul style="list-style-type: none"> • Under the Environmental Protection Act 1990, Local Authorities are responsible for investigating complaints of noise, odours, artificial light, insect infestations, accumulations and smoke from houses and business premises that either substantially interferes with the use or enjoyment of a home or business premises or injure health or likely to injure health. 	BAU	Defra	
<p>Consumer protection/scams – vulnerable consumers / Transition / COVID-19</p> <ul style="list-style-type: none"> • Enforcement of consumer law and business regulation 	BAU/ Transition/ COVID-19	BEIS	Specifically relating to vulnerable customers and/or COVID-19 and/or Transition.
<p>Legal metrology reactive work</p>	BAU/ Transition	BEIS	Delays in reactive activity is likely to result in non-compliance and additional associated costs.
<p>Illegal and/ or unsafe storage of petroleum or explosives</p>	BAU	HSE	<p>Where the regulatory service fulfils the licensing, registration, certification or enforcement duties in the local area.</p> <p>If there is reason to believe that the quantity, location or off-site practices could pose a risk of a significant incident e.g. multiple fatalities or major offsite effects, the issue should be dealt with as a Category A activity. Normal practice regarding contact with local security services regarding concerns over the illegal storage of explosives should continue.</p>
<p>FSA guidance – For medium priority activities refer to FSA guidance issued 30 September 2020 – ‘<i>Table 2: Prioritisation of other official control activities in registered and approved establishments</i>’.</p>	BAU	FSA	Guidance issued 30 September 2020 to local authorities. This framework establishes the very minimum expectation for statutory official controls and enforcement in the highest risk businesses, those where there is a specific statutory

			<p>requirement, and to deal with any urgent reactive work, such as responding to a food incident or food crime. The FSA's advice applies to food hygiene and food standards official controls, including those related to specific food compositional standards and food labelling where Defra or DHSC is the policy lead.</p>
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Category C activity: Recognition that elements of these activities may be paused or deprioritised following a risk-based approach, and that activity in Categories A and B may take priority.

Activity	Type	Government Department	Further information
Legal metrology planned proactive work	BAU	BEIS	
Consumer protection / scams work Enforcement of consumer law and business regulation for non-vulnerable consumers, and presenting low risk of overall harm	BAU	BEIS	
Business confidence – Primary Authority Provision of assured advice to primary authority partner businesses, providing confidence on BAU matters.	BAU	BEIS	Noting that Primary Authority is often provided with costs recovered through charges to business
Other health and safety at work activity – not related to COVID-19 or issues of major concern <ul style="list-style-type: none"> Proactive investigations local non-COVID initiatives This includes all regulatory activity LA undertake in their role of enforcing health and safety at work legislative requirements 	BAU	HSE	This may include both locally identified priorities that are non-COVID initiatives or work identified in ' Setting priorities and targeting interventions – HSE ' parts Annex A National Priorities and Annex B 'List of activities/sectors considered suitable for proactive inspection'
Enforcement of Geographical indications, wine and spirits drinks at retail	BAU	Defra	Statutory responsibilities apply. LAs provide verification services at their discretion.
FSA guidance – For low priority activities refer to FSA guidance issued 30 September 2020 – ' Table 2: Prioritisation of other official control activities in registered and approved establishments '.	BAU	FSA	Guidance issued 30 September 2020 to local authorities. This framework establishes the very minimum expectation for statutory official controls and enforcement in the highest risk businesses, those where there is a specific statutory requirement, and to deal with any urgent reactive work, such as responding to a food incident or food crime. The FSA's advice applies to food hygiene and food standards official controls where Defra or DHSC is the policy lead.