

DTI

Consumer and Competition Policy

Response to Consultation on a draft 'Enforcement Concordat: Good Practice Guide for England and Wales'

1. In March 2003 a consultation was launched on a draft of a new Good Practice Guide to applying the 1998 Enforcement Concordat. The draft took the approach of using case studies of good practice to demonstrate how signatories to the Concordat can implement its principles of good enforcement. The consultation sought views on this approach and more specifically on how compliance with the Concordat should be monitored.
2. There was broad support for the case study approach adopted in the Guide. Respondents felt that this is a good way of disseminating good practice, but that the range of case studies should be expanded to cover more local authority regulatory services (in particular Building Control and Planning) and should be periodically updated.
3. *Response: The Small Business Service, which is taking on the promotion of the Concordat, will be looking at possibilities for maintaining a live database of good enforcement practice.*
4. The majority of respondents agreed that compliance with the Concordat should be monitored. For central government enforcement bodies the dominant view was that a separate annual report on compliance would be overly burdensome and bureaucratic. Including the Concordat in existing monitoring and reporting mechanisms was felt to be sufficient.
5. *Response: Agreed. Central government enforcers should use existing monitoring and reporting mechanisms. The SBS will also periodically review compliance by central government enforcers with the Concordat and will work with them to ensure the best possible compliance.*
6. For local authority enforcers there was general agreement that monitoring of performance against the Concordat is desirable for all regulatory services in local authorities (not just Trading Standards and Environmental Health) but it should not impose undue burdens. Respondents therefore agreed that separate indicators for all regulatory services would be undesirable (fragmented and overly burdensome). Many agreed with our suggestion that the existing Best Value Performance Indicator 166 could be redrafted from a process focused into an outcome focused indicator that applies to all regulatory services. Several respondents suggested including

compliance with the Concordat in an authority's Corporate Performance Assessment.

7. *Response: We agree that monitoring for local authorities should not be overly burdensome and are currently looking at options for modifying BVPI 166.*
8. The 'Enforcement Concordat: Good Practice Guide for England and Wales' has now been published. It can be downloaded from the CCP website (<http://www.dti.gov.uk/ccp/topics1/enforcement.htm>) and will soon be available on the SBS website (www.sbs.gov.uk). Copies can also be ordered (free of charge) by calling the DTI Publications Orderline on 0870 500 1502 quoting reference 'URN 03/998'.

List of Respondents

Association of Convenience Stores

Committee of Advertising Practice (CAP) & Advertising Standards Authority (ASA)

The Advertising Association (AA)

Association of Personal Injury Lawyers

The Co-operative Group

PA Associates

Consultants (planning & surveying)

British Retail Consortium (BRC)

Birmingham City Council, Environmental and Consumer Services

Camden Borough Council, Consumer Protection Service

Wolverhampton City Council, Environmental Services

Staffordshire County Council, Legal Services

Hampshire County Council

Gateshead Council

Merseyside Fire Service

Stoke on Trent City Council, Housing and Consumer Protection Department

Chiltern District Council

Kirklees MDC, Environmental Services

West Yorkshire Trading Standards Service

Durham County Council, Trading Standards Service

Mid Beds District Council

North East Lincolnshire Council, Enforcement Liaison Group
Aylesbury Vale District Council, Environmental Health Services
Chelmsford Borough Council
Office of Fair Trading
Environment Agency
Inland Revenue
Environmental Services Association (ESA)
London Trading Standards Association
Aylesbury Vale District Council, Environmental Services Division
London Fire and Emergency Planning Authority
London Borough of Enfield, Environmental Health and Trading Standards
Services
Metropolitan Borough of Wirral, Dept of Housing and Environmental
Protection
Preston City Council
Food Standards Agency
Health & Safety Executive
CBI
Chartered Institute of Environmental Health (CIEH)

July 2003

End