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Mapping the Regulatory Landscape in Wales

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Overview: Why mapping matters

Regulation is one of the classic tools of government to support fairness, a level playing field and to ensure that society and the environment are protected from harm.

The regulatory system in Wales, like the rest of the UK, has evolved over a considerable length of time. Local authorities have for example enforced standardised weights and measures since 1824 and were historically empowered to protect public health. The longevity of regulation coupled with introduction of new regulations over time and differing patterns of organising how they are enforced has resulted in a complex system.

Following the creation of Natural Resources Wales, and as Welsh law making powers bed in, now is a good time to take stock of the regulatory system to understand its scale and complexity. This document maps the regulatory landscape in Wales by pulling together the constituent elements of legislation, policy and delivery to provide those with an interest in regulation in Wales with a common entry point. It shows that the system is complicated due to the sheer numbers of policy interests, the fact that delivery happens both locally and nationally and that the legislative environment encompasses the EU, UK and Wales. Whilst complexity is an inherent feature of the system, it is also a system that continues to evolve with developments such as the consolidation into National Resources Wales, formation of the Welsh Regulators' Forum and Primary Authority extension to Welsh legislation amongst others.

This map is aimed primarily for those delivering regulation in local authorities or national agencies and for regulatory policy makers in Wales and elsewhere in the UK. It will provide a useful reference document to inform the future work of the Welsh Regulators' Forum.

It provides an overview of the key drivers affecting regulation and the appendices contain a detailed summary of responsibilities. This is the first time that this landscape has been mapped and provides a reference guide for all those with an interest in regulation in Wales.

The report has been pulled together by BRDO during 2013 with input from a range of policy leads from across Welsh Government and from the members of the Welsh Regulators' Forum.

1. Introduction

1.1 Background

Since October 2009, under the Regulatory Enforcement and Sanctions Act 2008, the Welsh Government has funded the Local Better Regulation Office (LBRO) and its successor, the Better Regulation Delivery Office (BRDO) to deliver a bespoke programme of activity in Wales, aimed at creating a simple and clear regulatory environment in which:

- businesses have the confidence to invest and grow; and
- citizens and communities are properly protected.

BRDO was created on 1 April 2012, as an independent unit within the Department for Business, Innovation and Skills, UK Government, to drive the better delivery of regulation. Its remit is UK-wide.

In Wales, BRDO and its predecessor LBRO have worked with Welsh Government policy officials to successfully develop and implement a workplan which supports regulatory activity within Wales. During this period, the Welsh Regulators' Forum has been established, consisting of representatives from the local and national regulatory community (¹FSA, EAW, HSE, WLGA, DPPW, AHVLA, OFT, CSSIW, HIW and WG policy leads). The forum provides a valuable resource in terms of:

- sharing information, good practice and lessons learned on approaches to regulation between members;
- providing advice and information on the development, delivery and enforcement of regulation to inform decision-making and strategic direction at both Wales and UK-levels; and
- developing common approaches to issues such as data sharing and finding efficiencies through collaboration.

BRDO's work within Wales is governed by a Memorandum of Understanding between the Secretary of State and Welsh Ministers. This agreement sets the framework for the BRDO's operations in Wales enabling it to coordinate work across a range of devolved and non-devolved regulatory matters.

2.2 Project aim and objectives

The project grew out of a suggestion made by the Welsh Regulators' Forum to map the complex regulatory environment in Wales to assist understanding of key policies and drivers. Regulators are required to discharge functions in respect of regulation of business which are determined both by the UK and Welsh Government. For example, health and safety at work is not a devolved matter, but food hygiene is.

¹ See <http://www.bis.gov.uk/brdo/partners/welsh-regulators-forum> Members: FSA (Food Standards Agency), EAW (Environment Agency – as of 1st April 2013, work and functions of EAW taken forward by Natural Resources Wales), HSE (Health and Safety Executive), WLGA (Welsh Local Government Association), DPPW (Directors of Public Protection Wales), Animal Health and Veterinary Laboratories Agency), OFT (Office of Fair Trading), CSSIW (Care and Social Services Inspectorate Wales), HIW (Healthcare Inspectorate Wales), WG (Welsh Government).

The overall aim of this project was to undertake a mapping exercise which would provide:

“a clearer understanding of the regulatory landscape in Wales from a local and national perspective including Welsh Government’s interaction within this landscape.”

Specifically, the objectives of the project were to:

- identify the key local and national stakeholders involved in the regulatory landscape in Wales, including their roles and responsibilities;
- identify the mechanisms the Welsh Government has in place to manage the flow of new regulation emanating from its legislative programme;
- ascertain what steps are being taken by Welsh Government as part of its legislative and policy making functions to reduce complexity and minimise burden to business, regulators and service users in so far as it can from a regulatory point of view; and
- identify the key drivers which are likely to have an impact on the regulatory landscape in Wales in future.

This map is aimed primarily for those delivering regulation in local authorities or national agencies and for regulatory policy makers in Wales and elsewhere in the UK. It will provide and useful reference document to inform the future work of the Welsh Regulators’ Forum.

1.3 Approach

The report focuses primarily on those policy areas which form part of the law enforced by local authorities in scope of the Regulatory Enforcement and Sanctions Act 2008. The policy areas are aligned to Welsh Government Ministerial Portfolio responsibilities and the National Enforcement Priorities for Wales. The report also covers the role and remit of the national regulators on the Welsh Regulators’ Forum.

The policy areas covered include: food nutrition, public health, care and social services, age restricted sales (tobacco, alcohol, knives), firework safety, health and safety, fire safety, animal health and welfare, food safety and hygiene, food standards, feed, road traffic overloading, product safety, intellectual property, metrology, consumer credit, fair trading, environmental protection and pollution, housing, licensing (gambling premises, petroleum, explosives, taxis, alcohol).

The report focuses on both the design and delivery aspects of regulatory activity. Whilst reference is made in the report to the linkages and interaction with UK Government, the main focus is around Welsh Government’s interaction within the regulatory landscape in Wales.

In addition to the report, there is a comprehensive analysis of the ‘policy chains’ underpinning regulation across the board in Wales. This sits alongside the report as a reference guide (Appendix 2).

In undertaking the mapping work a series of meetings have been held with Welsh Government policy officials responsible for the policy areas concerned and representatives from the local and national regulatory community in Wales, including UK Government policy officials.

Further information on the regulatory landscape across the UK as a whole is covered under a separate mapping exercise, entitled 'Mapping the Local Authority Regulatory Services Landscape,' which was undertaken by LBRO, predecessor to BRDO, in November 2009².

1.4 Better regulation

Regulation provides essential protections to society and brings invaluable benefits. It provides assurance and protection to the consumer, ensuring that the rights of citizens and workers are protected, and protecting and safeguarding the environment whilst also ensuring that business can trade with confidence in a fair market. Better regulation provides efficiency, productivity and value for money whilst proportionate regulation and inspection arrangements can help drive up standards and deliver outcomes on the ground in the form of improving public services, a better environment for business and in driving forward economic reform.

Key to the better regulation agenda is the 2005 review by Phillip Hampton 'Reducing Administrative Burdens: Effective Inspection and Enforcement' which sets out a vision of a regulatory system that is based around risk and proportionality. The review made a series of recommendations and articulated seven principles (outlined below), that relate to all local and national regulatory activity in Wales linked to non-devolved matters, which form the basis of the Regulators' Compliance Code³. These include:

- Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take.
- No inspection should take place without a reason.
- Businesses should not have to give unnecessary information, nor give the same piece of information twice.
- The few businesses that persistently break regulations should be identified quickly.
- Regulators should provide authoritative, accessible advice easily and cheaply.
- Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

This project examines the tools applied to promote better regulation within Wales, focussing on both the design and the delivery of regulation, including Welsh Government's interaction within the regulatory landscape.

² <http://www.bis.gov.uk/brdo/publications>

³ The Regulators' Compliance Code is a statutory code of practice which governs approaches to enforcement, building on the principles of good regulation. In Wales, the code applies to certain regulatory functions exercised by local authorities in Wales relating to reserved UK matters and to specific UK national regulators which operate in Wales. See page 13 for further details about the development of the Code.

2. Legislative landscape

2.1 Welsh law making

Devolution is an ongoing process in Wales. The Government of Wales Act 1998 resulted in the creation of the National Assembly for Wales as a corporate body – with the executive (the government) and the legislature (the Assembly itself) operating as one. In contrast to the primary law making powers given to the Scottish Parliament, the Act limited the National Assembly to the making of secondary legislation, only when authorised by UK Parliament.

The Government of Wales Act 2006 gave the National Assembly for Wales powers to pass legislation called Assembly Measures in devolved areas. These devolved areas were called Matters, and the list of Matters could be added to, but only with the agreement of the UK Parliament. The 2006 Act also established the Welsh Government, an executive body separate from the legislature, the National Assembly for Wales.

In March 2011 a further referendum was held and the people of Wales voted in favour of full law-making powers for the National Assembly for Wales in the areas devolved to Wales. This resulted in the National Assembly for Wales being able to make primary legislation in all of the 20 areas which the Welsh Government has responsibility over, whilst taking into account the exceptions to devolution, as listed in Schedule 7 of the Government of Wales Act 2006⁴.

The devolution settlement for Wales continues to develop. The establishment of the Silk Commission in October 2011 has led to significant reviews being undertaken on the present financial and constitutional arrangements in Wales. The Silk Commission has already published its first report, on taxation and borrowing powers for the Assembly, and the Welsh Government has endorsed the Commission's recommendations. The Commission is currently considering the second part of its remit, relating to the boundaries of the devolution settlement and the powers of the National Assembly for Wales. The Welsh Government has submitted its evidence to the Commission, and has proposed restructuring and extending the devolution settlement to make it simpler and clearer.

In summary, the Welsh Government now has powers to make both primary and secondary legislation. Recent examples of legislation relating to regulation include:

- single use carrier bags;
- sunbed regulations; and
- food hygiene ratings.

2.2 UK Government

The UK Government remains the driver for the majority of policy and legislation linked to regulatory services impacting on Wales. This is because most regulatory services are not devolved. In non-devolved areas the Welsh Government will interact with UK Government departments in the development of Parliamentary bills to ensure that the Welsh Government's view is given full consideration. This is supported by the concordats that are in place between the two governments to enable consultation and discussion.

⁴ <http://wales.gov.uk/legislation/govwalesact2006/schedule7/?lang=en>

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In terms of Welsh Government's ability to manage the nature of devolved and non-devolved areas of responsibility linked to regulatory activity, key findings from this mapping work include:

- On areas of devolved policy, there are clear links between UK Government and Welsh Government departments. In terms of non-devolved areas of responsibility, Welsh Government interaction with the UK Government varies in accordance with the topic area. For example, where there is a clear thematic link, the interaction between UK and Welsh Government at a departmental level appears to be well established. For areas such as metrology, product safety and licensing of gambling premises, the links are not as strong because there is no specific department which would interact with the policy areas concerned.
- There is evidence in some areas of how Welsh Government policy indirectly supports an area of specific non-devolved regulatory activity. For example, whilst age restricted sales of alcohol is a non-devolved area of responsibility Welsh Government through the development and implementation of its Substance Misuse Strategy supports this overall agenda.
- There are also examples whereby the nature of devolved responsibility may not be as clear cut as it may seem. For example, whilst animal health and welfare is a devolved policy area, budgets for certain areas of activity are non-devolved and are held by DEFRA on behalf of all GB administrations.
- There is also recognition that whilst regulation linked to a certain policy area may be non-devolved, the Welsh Government should be fully informed and engaged because of implications to areas likely to be devolved. For example, Welsh Government Transport has an interest in compliance with Road Traffic Overloading regulations because of the impact non-compliance may have on its road safety and maintenance obligations.
- There are Home Office staff based at the Welsh Government's offices in Merthyr Tydfil, ensuring linkage between Welsh Government and UK Government on key areas of regulatory policy, legislation and delivery. From a regulatory perspective, areas of relevance include age restricted sales of tobacco, alcohol and knives and alcohol licensing.

2.3 European Union

The European Union is a major source of legislation enforced by regulators in the UK. As the Member State, the UK has overall responsibility for engagement in the development of EU legislative proposals. However, the Welsh Government takes a full and ongoing role in the process of policy formulation, negotiation and implementation of EU law where it impacts on a devolved area of responsibility.

Generally, functions exercisable by the Welsh Ministers are through Acts of Parliament (including the Government of Wales Act 2006), Assembly Measures and Assembly Acts, statutory and prerogative instruments, and Transfer of Functions Orders. The Welsh Ministers can also implement EU law in Wales where they have been designated in relation to various matters under section 2(2) of the European Communities Act 1972. Welsh Ministers have no power to act in any way that is incompatible with EU law under section 80 of the Government of Wales Act 2006.

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While not a Member State, Wales engages with policy development at the EU level through regular discussion with UK Government Ministers and officials and also directly with the EU institutions. Engagement with the UK Government is underpinned by a Memorandum of Understanding with the UK Government and its associated Concordat on the Co-ordination of EU Policy Issues, which entitles the Welsh Government to take a full and ongoing role in EU policy matters that impact on devolved responsibilities. Furthermore, at Ministerial level, an important part of this engagement is the regular meetings of the Joint Ministerial Committee on Europe (JMC(E)) which is composed of Ministers of the Devolved Administrations and the UK Government and through which Welsh Ministers can ensure that the interests of Wales are represented in the development of the UK position on EU policy issues.

3. Welsh Government legislative programme

Welsh Government is nearing the end of the second year of its five year legislative programme, and focus has been placed on ensuring that there are appropriate governance arrangements and systems in place to oversee its programme of work and to support the development and delivery of Government bills.

Since July 2011, when the First Minister announced the five-year legislative programme for Wales, a total of 11 Government bills have been introduced to the Assembly of which five have received Royal Assent. The First Minister has made two further legislative statements on the programme; in his statement of 16 July 2013 it was announced that the Welsh Government will be introducing a further 8 bills over the next 12 months. Many of these bills have a key role to play in the future design of regulation in Wales.

In addition to Government bills the Assembly will also consider bills brought forward by Members (of which two have been introduced to date), the Assembly Commission (one bill has been introduced by the Commission, which has received Royal Assent), and Committees of the Assembly. Private bills can also be brought forward. There have not been, so far, any public committee bills introduced nor any private bills.

In addition to the standalone bills that are being developed as part of the five year programme, a substantial amount of UK Government legislation continues to be developed jointly for England and Wales or jointly alongside the other devolved administrations. This is evident in topic areas such as Environment, Animal Health and Welfare, and Public Health. From a business perspective, this provides consistency and coherence in relation to regulatory compliance and recognises that many businesses operate in all of the countries of the UK.

4. Policy context

The regulatory landscape in Wales revolves around two key drivers: to the regulatory policy itself and to wider public service reform, involving a combination of Wales specific and non-devolved UK led policies and transformation agendas.

4.1 Programme for Government

The Programme for Government sets out a roadmap for Welsh Government's manifesto commitments for the duration of this Assembly term. It sets an agenda to be taken forward in partnership with the public, private and voluntary sector.

The outcomes and actions are underpinned by the following broad themes:

Growth and sustainable jobs – To strengthen the conditions that will enable business to create jobs and sustainable economic growth

Public services in Wales – To support the delivery of effective and efficient public services that meet the needs of people in Wales

21st century healthcare – Better health for all with reduced health inequalities

Supporting people – High quality, integrated, sustainable, safe and effective people-centred services that build on people's strengths and promote their wellbeing

Homes – To ensure that people have a high quality, warm, secure and energy-efficient home to live in

Safer communities for all – Make our communities safer through reductions in anti social behaviour, crime (including fear of crime), substance misuse and the incidence and impact of fires as well as effective coordination of emergencies

Equality – Create a fair society free from discrimination, harassment and victimisation with cohesive and inclusive communities

Tackling poverty – Reducing poverty, especially persistent poverty amongst some of our poorest people and communities and reducing the likelihood that people will become poor

Rural communities – Ensure that rural communities remain vibrant and able to offer people an excellent quality of life with access to high quality employment, affordable housing and public services and sustained by reliable and effective infrastructure in terms of broadband, public transport and utilities

Environment and sustainability – To become a 'one planet nation,' putting sustainable development at the heart of government

The culture and heritage of Wales – Enrich the lives of individuals and communities through our culture and heritage

Regulation has a key role to play in supporting the themes and outcomes identified within Programme for Government, both in terms of contributing to the implementation of proposed areas of legislation but also in supporting the delivery of policies, programmes and actions on the ground. From a regulatory perspective, Welsh Government has recently published its White Paper, 'Sustainable Social Services for Wales: A Framework for Action' which will be taken forward through the proposed Social Services and Well-being (Wales) Bill, with the aim of addressing inspection and regulatory burden.

Appendix 1 provides a summary of some of the links between the National Enforcement Priorities for Wales and some of the Programme for Government themes.

4.2 Inspection, Audit and Regulation in Wales policy statement (September 2009)

Inspection, Audit and Regulation in Wales⁵ sets out the role that the Welsh Government expects inspection, audit and regulation to play in delivering accountable, citizen-centred services and the continual improvement of local services, defined as follows:

- Public service inspection – promotes citizen interests and provides public accountability, to encourage improvement in services and to inform government policy.
- Business regulation – protects public interests and creates a level playing field in which business can thrive.
- Public sector audit – helps safeguard public money, ensures proper accountability, and upholds proper standards of conduct in public service and helps public services achieve value for money.

The statement commits Welsh Government to working with the Better Regulation Executive in the UK Government and with LBRO (superseded by BRDO) to promote a consistent approach to regulation across the UK. Other commitments include working with other key bodies to establish and keep under review enforcement priorities for local authority regulatory service in Wales, including an expectation that all forms of regulation in Wales will follow the Hampton principles.

4.3 Local, Regional, National: What services are best delivered where? (March 2011)

The Simpson Review, 'Local, Regional, National: What services are best delivered where?' provides a framework for the future delivery of public services in Wales and underpins many of the initiatives / programmes being implemented under the banner of public service reform, for example the Simpson Compact and the regional collaborative footprint. From a delivery perspective, regulation is categorised into three distinct areas: local, cross boundary or collaborative and national. Where regulatory risks are regional or national, (as may occasionally arise with illegal lending, trading standards, food standards, food hygiene, air quality and land contamination) the report specifically recommends that regulatory services collaborate to deliver on a regional and national basis.

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<http://wales.gov.uk/topics/improvingservices/publicationevents/publications/iarpolicystate/?jsessionid=E976F005DFE5129D4387F0543BE1D52C?lang=en>

4.4 Regulators' Compliance Code

The Regulators' Compliance Code was first published in 2008 in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. It is a statutory code of practice which governs approaches to enforcement, building on the principles of good regulation. The Code requires regulators to consider how they might support economic growth, to take a risk-based approach to enforcement, to provide advice and guidance to assist businesses and other regulated bodies in understanding their responsibilities and to take proportionate enforcement decisions.

In Wales, the Code applies to certain regulatory functions exercised by Welsh local authorities relating to reserved UK matters and to specific UK national regulators which operate in Wales.

The UK Government published a revised Regulators' Code in July 2013 following a consultation⁶. As part of the consultation exercise, soundings have been taken on appetite to extend the Code in Wales so it applies on a similar basis to that in England. The UK Government will work closely with Welsh Government colleagues to review and assess the applicability of the Code in Wales.

4.5 National Enforcement Priorities for Wales

The National Enforcement Priorities were established by the Welsh Government and LBRO in April 2010. They describe Welsh Government priorities for local regulatory delivery, highlighting the positive contribution that local regulatory services, together with local and national partners, can make in delivering better outcomes. A summary of the linkages between the National Enforcement Priorities and the overarching Programme for Government Themes is included in Appendix 1.

The National Enforcement Priorities form part of a wider approach to delivering better regulation for the benefit of citizens and business across Wales and set out outcomes that all local authority regulatory services should have regard to in service planning and resource setting. The National Enforcement Priorities selected for Wales are:

- Protecting individuals from harm and promoting health improvement.
- Ensuring the safety and quality of the food chain to minimise risk to human and animal health.
- Promoting a fair and just trading environment for citizens and business.
- Improving the local environment to positively influence quality of life and promote sustainability.

A series of dashboards have been developed by pilot local authorities and BRDO in partnership with the ⁷Data Unit Wales, which provide a list of indicators to assess the outcomes and impacts of local authority regulatory activity. These dashboards have now been fully integrated into the Data Unit Wales Benchmarking Hub, an online tool, which enables local authorities to scrutinise effectiveness and demonstrate the benefits and outcomes of regulatory services within their local authority area against the four National Enforcement Priorities for Wales.

⁶ <http://www.bis.gov.uk/brdo/publications>

⁷ <http://www.dataunitwales.gov.uk/>

4.6 Primary Authority

Primary Authority, which applies to all relevant functions in England and Wales, was established under the Regulatory Enforcement and Sanctions Act 2008 and has been in operation since 2009. The scheme was introduced to address businesses' concerns about how local authorities apply environmental health and trading standards legislation.

Primary Authority allows a business, regardless of its size, which operates across local authority boundaries, to form a primary authority partnership with a single authority in relation to regulatory compliance. These partnerships can cover environmental health and trading standards legislation, or specific functions such as food safety or petroleum licensing. By working closely with a business a primary authority can take into account their specific circumstances providing robust and reliable advice, which must be respected by all local regulators enabling the business to operate with assurance and confidence.

As part of its Wales work plan, the BRDO has run several training courses to support the implementation of Primary Authority within Wales. Monmouthshire and Flintshire County Councils have been leading the way in terms of operating in primary authority partnerships in Wales, Monmouthshire County Council having established partnerships with five businesses to date and Flintshire County Council operating a partnership with Iceland Foods.

The scope of Primary Authority is being extended to cover additional regulations which are currently out of scope, including relevant Welsh specific legislation relating to carrier bag charging and sunbed tanning. Primary Authority has a key role to play in supporting the priorities and outcomes identified by Welsh Government in its Programme for Government, particularly in supporting growth and sustainable jobs and in ensuring effective and efficient public services. It also assists in maintaining consistency between emerging Welsh Government and UK Government regulatory frameworks.

5. Better regulation – UK Government policy drivers / developments influencing the landscape in Wales

There are many key drivers / developments at a UK level impacting on Wales, which include changes linked to the Consumer and Competition Landscape Reform, as summarised below:

5.1 Consumer and competition landscape reform

Following recent consultation UK Government is planning to reorganise the consumer and competition landscape. Key changes of relevance to Wales in relation to the consumer landscape include:

- A Consumer Service helpline run by the Citizen Advice Service, which replaces the Consumer Direct helpline previously delivered by the Office of Fair Trading (OFT).
- Establishment of the Consumer Protection Partnership comprising the National Trading Standards Board (NTSB), the Citizen Advice service, a new organisation called the Competition and Markets Authority (CMA), the new Regulated Industries Unit (RIU) and representatives from Scotland and Northern Ireland to ensure a joined up approach to consumer issues and to deal with the greatest problems for consumers.
- Establishment of the National Trading Standards Board, responsible for national and cross-local authority enforcement in England and Wales.
- Transfer of the national co-ordination of consumer advice, information and education about consumers' rights from the Office of Fair Trading to Citizens Advice.
- The Trading Standards Institute (TSI) taking over responsibility for educating business about consumers' rights.
- Citizens Advice service taking over responsibility for consumer advocacy.
- Transfer of Consumer Focus' activities on regulated industries to a Regulated Industries Unit (RIU), which will remain part of Consumer Focus until 2014.
- TSI launching a replacement for OFT's Consumer Code Approval Scheme.

By the end of 2014:

- The Office of Fair Trading and Competition Commission will close.
- Consumer Focus' RIU will transfer to the Citizens Advice service.
- The Competition and Markets Authority (CMA) will take over some of the Office of Fair Trading's consumer responsibilities.

In terms of the Competition landscape it is intended that the functions of the Competition Commission (CC) and the competition functions of the Office of Fair Trading (OFT) will transfer across to the new Competition and Markets Authority (CMA) in 2014, which will be responsible for regulating competition.

The above changes are of great significance to the trading standards regulatory landscape in Wales, involving a mix of different structures, mechanisms and stakeholders which will need to be embedded over a period of time.

6. Better regulation – Key Welsh Government policy drivers / developments influencing the landscape

6.1 Public Service Reform

Welsh Government's Public Service Reform Agenda is aimed at strengthening the delivery of efficient, effective and accessible public services, including those that are the responsibility of local government and in other, wider areas such as the health service, education, social services and housing. Welsh Government's approach is based on collaboration, rather than competition, between public service providers, simplification and a clear commitment to designing services around people rather than organisations.

Future collaborative working between public services in Wales is based around six collaborative footprint areas aligned with Local Health Board and Police Authority boundaries, which include:

North Wales – Isle of Anglesey County Council, Gwynedd Council, Conwy County Borough Council, Denbighshire County Council, Flintshire County Council, Wrexham County Borough Council

Gwent – Blaenau Gwent County Borough Council, Caerphilly County Borough Council, Monmouthshire County Council, Torfaen County Borough Council, Newport City Council

Cwm Taff – Merthyr Tydfil County Borough Council, Rhondda Cynon Taf County Borough Council

Swansea Bay – Bridgend County Borough Council, Neath Port Talbot County Borough Council, City and County of Swansea Council

Mid and West – Powys County Council, Ceredigion County Council, Carmarthenshire County Council, Pembrokeshire County Council

Cardiff and Vale – Cardiff Council, Vale of Glamorgan Council

A Public Services Leadership Group, which is represented by a Chief Executive level regional lead from each of the footprint areas, chaired by the Minister for Local Government and Business, provides the national leadership for collaboration. To ensure political leadership and accountability, the Public Service Leadership Group will work with a reformed, statutory Partnership Council for Wales.

The regional collaborative footprint is relevant from a regulatory perspective, particularly in taking forward any future collaborative regulatory models within Wales.

The Regional Collaborative Fund, which aims to encourage regional collaboration across public services, provides an important tool to help public services in Wales to embark on joint projects to deliver high quality and accessible services. Some local authorities in Wales are already stepping up to the challenge and are using this funding as a mechanism to regionalise the delivery of regulatory services.

- **Local Service Boards**

Local Service Boards (LSBs) have a key role to play in joining up delivery at a local level.

LSBs are responsible for developing Single Integrated Plans (operative from April 2013), which provide a framework for local authorities and other public bodies to meet their statutory strategic planning responsibilities. The plans form a core reference document for the Inspectorates and Wales Audit Office.

Links can be made between the Single Integrated Plans and some of the policy areas covered by regulation, for example the link between local authority social care and wellbeing activity and the role of Care and Social Services Inspectorate Wales (CSSIW). In addition, the Single Integrated Plans offer the potential for linking regulatory services with economic outcomes which have been identified by local authorities and their partners for their areas, demonstrating the positive contribution regulation can have in supporting economic growth.

The potential for further links to be established between regulatory performance activity data and the needs assessment and outcomes based methodology applied to the Single Integrated Plans could provide potential added benefits in terms of promoting transparency and joining up certain aspects of regulatory delivery at a local and national level.

- **Democratic scrutiny of public services**

Scrutiny is a critical element of the Welsh Government's vision for the open and transparent governance of improved local services. The Programme for Government recognises strong local democracy as the foundation for delivering public service reform and improving local services.

The 2011 Local Government Measure makes legislative provision to strengthen local democratic scrutiny by strengthening the position of non-executive Members and officers who deliver scrutiny in Welsh local authorities. The Welsh Government's intention is to widen local authority scrutiny to establish more effective scrutiny of those public services in Wales delivered increasingly through collaboration and partnership.

Stronger scrutiny is an essential component of the Welsh Government's commitment to collaboration, highlighting the vital connection between local democracy and regional joint working.

Additionally, stronger scrutiny can support improvement, as effective scrutiny can provide assurance which allows a more proportionate balance of external regulation and inspection, leading to efficiencies in evaluating the improvement activities of local service deliverers.

6.2 Working Smarter

Working Smarter⁸ represents the findings of an independent review commissioned by Welsh Government in August 2011 to investigate the regulatory burden on Welsh farmers and land managers.

The report includes a series of 74 recommendations which were made by Gareth Williams, appointed as the independent adviser, advising Welsh Government on how it should deliver better regulation within an appropriate framework, improve customer service and bring about an industry able to embrace change and deliver increased profitability.

⁸ <http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/farming/workingsmarter/?lang=en>

In addition to providing a broader supporting role for the suite of Working Smarter recommendations, BRDO has played a key role in working with Welsh Government to move forward some of the key recommendations within the report, in particular:

- A seminar for farming regulators and farmers to develop better clarity, communication and coordination (rec 26);
- Farm visits...putting regulators 'in the shoes' of farmers (rec 27); and
- A contribution to recommendations being addressed by the 'Inspections and Record Keeping' task group:
 - 'An inspector calls' leaflet;
 - a common competency framework – application to farm inspections (rec 22);
 - data sharing – work on data collections and project to enhance information sharing between regulators (rec 41); and
 - Primary Authority extension to businesses sharing approaches to compliance-opportunity to include farm assurance (rec 21).

6.3 Natural Resources Wales

Natural Resources Wales⁹ became operational on 1 April 2013 and is the regulatory authority in Wales for a wide range of environmental legislation. The new body brings together and takes forward the work and functions of the Countryside Council for Wales, Environment Agency Wales and Forestry Commission Wales, as well as some functions of Welsh Government, and is the largest public body in Wales.

It is a Welsh Government Sponsored Body and is one of the first public bodies in the world that will consider social, environmental and economic benefits in the way it manages natural resource and improves the environment.

Natural Resources Wales is responsible for more than 40 different types of regulatory regime across a wide range of activities including:

- major industry (refineries, chemicals, cement, power stations, iron and steel, food and drink etc);
- waste industry (storage, treatment, disposal);
- sites of special scientific interest – consents and assents;
- radioactive substances (nuclear and non-nuclear);
- European protected species licensing;
- marine licensing;
- tree felling licensing;
- water discharges (surface and groundwater);
- water resources (abstraction, impoundment, drought);
- packaging regulations and EU / UK trading schemes;
- commercial fisheries (eels, salmon, shellfish); and
- Countryside Rights of Way Act – access restrictions, open access land.

The principles of better regulation and the Regulators' Compliance Code form a key part of the new body's approach to regulatory compliance and enforcement.

⁹ <http://naturalresourceswales.gov.uk/our-work/about-us/?lang=en>

The establishment of Natural Resources Wales represents a significant shift in the regulatory landscape in Wales in terms of providing a more streamlined way of working, ensuring that regulation is delivered in an integrated and consistent way within and across sectors, delivering better outcomes for citizens, business and the environment.

6.4 Micro Business Task and Finish Group Report

A Micro Business Task and Finish Group¹⁰ was established by the Minister for Business, Enterprise, Technology and Science, to provide advice and recommendations to Welsh Government to support the development and implementation of a Micro-Business Strategy for Wales.

The Micro Business Task and Finish Group identified five key priorities with recommendations to support the development of a Welsh Government micro-business policy and strategy. One key priority identified, revolves around regulatory burden.

Key areas highlighted include the need for Welsh Government to explore approaches pursued by other governments in the context of its new legislative powers. There is a need for clarity on who is responsible for which regulations, Welsh Government or UK Government and where the Welsh Government could have the biggest impact to support the micro-business regulatory burden. The need for all government departments to take on board the impact of regulations on micro-businesses was also highlighted as critical. In particular, the Task and Finish Group recommended that Welsh Government:

- lobbies for change in non-devolved matters – in relation to regulations that affect micro-businesses;
- communicates where the responsibilities of regulatory burden lie;
- simplifies regulations within Welsh Government powers (across all departments) to make it easier for micro-businesses to sustain and grow their business; and
- establishes advisory support for micro-businesses when regulations impact on their business e.g. changes to health and safety, employment, tax and planning law.

The Micro Business Task and Finish Group report provides one of the means for simplifying the regulatory landscape in Wales, ensuring consistency in approach across Welsh Government departments. The role of local and national regulators in moving this agenda forward is key and the potential for further linkages to be made between the regulatory community and the advisory support mechanisms delivered through Business Wales, for example, could prove beneficial in terms of providing support to businesses in Wales on regulatory compliance.

¹⁰ <http://wales.gov.uk/topics/businessandconomy/publications/120118microbusinessrpt/?lang=en>

7. Regulatory landscape – Approach to regulation

7.1 Design

7.1.1 Structures and mechanisms

Since the launch of the five year Legislative Programme in July 2011, Welsh Government has invested to ensure there are appropriate governance arrangements and systems in place to support the development of bills going forward, involving the establishment of numerous internal structures. To manage its legislative programme the Welsh Government has set up the following teams:

- Legislative Programme Unit – provides advice, support and guidance on the development of primary and subordinate legislation being taken through the Assembly across the Welsh Government.
- Constitutional Affairs and Inter-Governmental Relations Division – provides advice and guidance on wider UK constitutional developments, including Welsh Government's relations with the UK Government and other devolved administrations and also Welsh interests on devolved matters with UK Parliamentary legislation.

In addition to this, the Welsh Government has set up internal structures to assist with the overall management and delivery of its legislative programme, which include:

- Legislative Programme Board – represented by the Director Generals from across each Welsh Government Department, including representation from Legal Services, the Office of the Legislative Counsel, the Legislative Programme Unit and the First Minister's Delivery Unit. The Board takes a central role in advising the First Minister and has overall responsibility for the management and monitoring of the legislative programme as part of the wider Programme for Government.
- Cross Directorate Group on Legislation – represents each Directorate's legislative interests and provides an effective forum for Cross Departmental and Directorate information sharing and good practice on primary and secondary legislation (Assembly and UK Parliament where it relates to Wales) and constitutional matters. The Group also provides assurance, on a collective basis, to the Legislative Programme Board.

7.1.2 Regulatory Impact Assessments

Welsh Government's Strategic Planning Finance and Performance Department is responsible for the development of Regulatory Impact Assessment (RIA) Guidance and provides advice and support to officials on the completion of the RIA itself.

Regulatory Impact Assessments (RIAs) are completed for all proposed legislation which could affect the public or private sectors, charities, the voluntary sector and small businesses. An RIA is undertaken whenever changes to the law are being considered and where costs or benefits could accrue. This includes changes made using both bills and subordinate legislation. The RIA forms part of an Explanatory Memorandum which accompanies an Assembly Bill or a Statutory Instrument laid before the Assembly.

RIAs are proportionate to the likely impact of the legislation. An RIA is not required for a bill that imposes no costs or savings, or negligible costs or savings on the public, private or charities and voluntary sector. However it should be noted that for all bills introduced to date an RIA has been completed. A competition assessment is also undertaken as part of the RIA if the bill affects business, charities and / or the voluntary sector.

In terms of monitoring the impacts of legislation on regulatory activity at delivery stage (i.e. when the legislation has received Royal Assent and is being implemented), the Welsh Government plans in the longer term to develop a methodology for assessing the cumulative impact of its programme of legislation on key stakeholders and sectors. In particular, this will assess the cumulative regulatory burden and impacts on sectors affected by the current legislative programme, including the cumulative impacts as a result of several pieces of legislation coming together, or in close succession with one another. It will also consider the combined effects of Welsh Government Legislation and UK Government Legislation on a sector, or where there are potential cross border policy implications or conflicts.

7.2 Delivery

7.2.1 Regulators and professional and representative bodies

a. Regulators

There are a number of bodies responsible for regulatory and enforcement activity within Wales. Whilst this report focuses primarily on those policy areas which form part of the law enforced by local authorities, including the role and remit of national regulators on the Welsh Regulators' Forum, Appendix 2 attempts to provide a much broader overview of the regulatory landscape as a whole.

At a local level, there are 22 local authorities in Wales, who are responsible for enforcing trading standards and environmental health legislation related to non-devolved and devolved areas of responsibility. Local authorities are responsible for enforcement / compliance activity linked to 23 different policy areas covered as part of this policy mapping exercise, of which 16 of these relate to non-devolved areas of responsibility.

Regionally, there are three fire and rescue authorities in Wales who have responsibility for delivering fire and rescue services: Mid and West Wales Fire and Rescue Service, North Wales Fire and Rescue Service, South Wales Fire and Rescue Service, including responsibility for inspections or audits of all non-domestic premises.

National regulators / inspectors cover a broad range of policy areas, some of which cover solely non-devolved areas of responsibility, for example, the Office of Fair Trading (OFT) and Health and Safety Executive (HSE). Others, for example, the Animal Health and Veterinary Laboratories Agency (AHVLA), operate on an UK basis and work on behalf of Welsh Government to deliver activity in Wales. They are responsible for compliance / enforcement activity linked to 14 of the policy areas covered as part of this policy mapping exercise.

National regulators will in most cases work alongside local authorities to deliver regulatory activity within Wales, which will be governed in most cases through framework agreements. Enforcement / compliance activity in some policy areas is undertaken by numerous different regulators. For example, animal health and welfare involves local authorities, Welsh Government and a total of 11 regulators / enforcers (as per mapping exercise in Appendix 2), responsible for different aspects.

In addition, some regulatory functions are delivered in-house by Welsh Government, for example, overall management and enforcement of Sea Fisheries across the Welsh Zone. Some regulatory and enforcement functions are undertaken by Welsh Ministers, for example issuing of drought orders in severe cases of drought.

b. Professional and representative bodies

Professional and representative bodies form a key part of the regulatory landscape in Wales. These include:

- **Welsh Local Government Association (WLGA)**

The Welsh Local Government Association (WLGA) represents the interests of local government and promotes local democracy in Wales. It represents the 22 local authorities in Wales and the three fire and rescue authorities and three national park authorities are associate members.

The WLGA's primary purposes are to promote better local government and its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy. This includes providing support to local authorities to deliver their trading standards, environmental health and licensing work.

The WLGA remains a constituent part of the Local Government Association (LGA) for England and Wales and since April 2005, Welsh local authorities have a revised Welsh corporate membership with the LGA, ensuring that the organisation continues to represent the interests of Welsh local government to the UK Government.

- **Directors of Public Protection Wales (DPPW)**

Directors of Public Protection Wales (DPPW) is a collective organisation of officers who head up public health protection services within local authorities, which includes all aspects of licensing, environmental health and trading standards. It consists of 22 Directors or other senior managers representing the 22 local authorities in Wales. Welsh Government is represented on this group by the Chief Environmental Health Advisor and through this advisor, hosts joint meetings between Welsh Government and the DPPW. The DPPW also has two constituent Heads of Service Groups which includes the Wales Heads of Environmental Health and the Wales Heads of Trading Standards.

- **Wales Heads of Trading Standards**

The Wales Heads of Trading Standards (WHoTS) represents the 22 Trading Standards Services in Wales. The aim of WHoTS is to work in partnership to provide a coordinated, consistent and improved service to Welsh Businesses and Welsh Consumers.

- **Wales Heads of Environmental Health Group**

The Wales Heads of Environmental Health Group (WHOEHG) represents the 22 Environmental Health Services in Wales, including the Swansea Bay Port Health Authority. The role of the Group is to influence policy and practice in the protection and improvement of health and wellbeing of local communities in Wales.

- **Trading Standards Institute**

The Trading Standards Institute provides advice and help in relation to all consumer matters and has responsibility over the development of professional qualifications for the profession.

- **Chartered Institute of Environmental Health**

The Chartered Institute of Environmental Health has a Welsh arm which provides a professional voice for environmental health professionals living and working in Wales.

7.2.2 Reporting and accountability

Openness, accountability and transparency are values which lie at the heart of Welsh Government’s vision for the effective delivery of public services in Wales.

In terms of overseeing the regulatory landscape in Wales, Welsh Government adopts numerous different approaches to ensure transparency and consistency in relation to service delivery. From a national regulatory perspective this is undertaken through a series of agreements ranging from SLAs to MoUs. Whilst not an exhaustive list, below are some of the agreements that Welsh Government has in place with some of the national regulators:

| Agreement Type | Regulator |
|-----------------------------|---|
| Service Level Agreements | ¹¹ FERA, BCMS, CEFAS, AHVLA, FSA |
| Working Agreement | Health Inspectorate Wales |
| Protocol | Care and Social Services Inspectorate Wales (CSSIW) |
| Concordat | ¹² FSA, HSE |
| Remit Letter | ¹³ NRW |
| Memorandum of Understanding | ¹⁴ DWI, OFWAT |

For local authorities, accountability and reporting arrangements vary across the policy areas. Reporting and accountability also take place between the local authorities and the national regulators themselves¹⁵. Whilst not an exhaustive list, these are summarised below:

| National Regulator | Agreement with Local Authorities |
|---|--|
| Food Standards Agency (FSA) | Framework Agreements with local port and health authorities, used as a basis for monitoring and auditing performance |
| Care and Social Services Inspectorate Wales (CSSIW) | CSSIW on an annual basis issue local authorities with Service Inspection Evaluation and Review Reports which acts as a baseline for monitoring future performance Quarterly meetings between Local Authority Social Service Directors and CSSIW |
| Health and Safety Executive (HSE) | HSE is the policy lead for health and safety across the UK and local authorities report to HSE LA Unit (LAU) on certain areas of activity to provide a national picture |

¹¹ FERA (Food and Environment Research Agency), BCMS (British Cattle Movement Service), CEFAS (Centre for Environment, Fisheries and Aquaculture Science), AHVLA (Animal Health and Veterinary Laboratories Agency), FSA (Food Standards Agency)

¹² FSA (Food Standards Agency), HSE (Health and Safety Executive)

¹³ NRW (Natural Resources Wales)

¹⁴ DWI (Drinking Water Inspectorate), OFWAT (The Water Services Regulation Authority)

¹⁵ See <http://www.bis.gov.uk/assets/brdo/docs/publications-2011/11-1471-data-collections-wales.pdf>

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| | |
|-----------------------------------|--|
| Office of Fair Trading (OFT) | Local authorities have a duty to notify OFT of action they intend to take under the Consumer Credit Act and the Enterprise Act and other consumer protection legislation |
| Drinking Water Inspectorate (DWI) | Local authorities report the detail of their monitoring on private water supplies |
| Natural Resources Wales (NRW) | Local authorities report waste data |
| Gambling Commission (GC) | Local authorities provide data to the Gambling Commission |
| National Measurement Office (NMO) | Local authorities report inspections and verifications |

In terms of the relationship between local authorities and Welsh Government, this again varies in accordance with each policy area. Examples include:

Local Government and Communities

- Outcome agreements, which may include elements of regulatory activity, but not necessarily
- RSG annual returns, which may include regulatory activity

OCVO, Sustainable Futures Department – Animal Health and Welfare Framework which provides clarity on service delivery to DEFRA, WG, LA and AHVLA on animal health and welfare.

Agriculture, Fisheries and Rural Strategy – Local authorities put forward Priority Action Plans annually for WG agreement, setting out proposed activity for the forthcoming year, which is linked to funding received for animal health and welfare enforcement activity.

Sustainable Futures Department – Local authorities are accountable to Welsh Government for the provision of waste management and collection services

From a public accountability perspective, examples include Care and Social Services Inspectorate Wales' (CSSIW) publication of inspection reports, Chief Inspectors Report and Annual LA Social Services Inspection, Evaluation and Review Reports.

7.2.3 Performance

Local authorities have a joint role with national regulators and government departments in providing safeguards for people and the environment and maintaining fair trading practices for businesses. This section outlines the performance management frameworks being utilised within Wales where there are direct links or where there is further potential to form links from a regulatory perspective.

- **Wales Programme for Improvement**

The Wales Programme for Improvement was introduced in Wales in 2002 as statutory guidance to local authorities on how they should discharge their Best Value duties. Under the programme local authorities are required to set their own improvement objectives which are published at the beginning of each financial year. From a regulatory perspective, there is an emphasis within the programme on simplifying the approach to regulation and inspection, including a requirement for coordination between regulatory bodies. Priorities identified have to be based on a thorough evidence base and performance indicators have to meet the needs of regulators and inspectors as far as possible, minimising the need to duplicate data.

- **Ffynnon**

Ffynnon is a nationally procured software solution to meet the performance management requirements of local authorities, fire and rescue services, national park authorities and their partners. Welsh Government is looking to develop this system further to develop a national IT solution, which will support local authorities and other major public sector organisations in monitoring how they are performing against their plan and performance indicators. It is intended that the new solution 'Pan' will be in place in early 2014.

The new system will support the work of LSBs, particularly the development and monitoring of Single Integrated Plans and will be designed to satisfy the needs of all the major public sector organisations in Wales: local authorities, local health boards, NHS trusts, police forces, fire and rescue services and the Welsh Government. The system will provide a valuable tool for inspectorates and auditors ensuring that they have appropriate access to the performance information they need to undertake their functions, lessening the burden on local authorities and other organisations in providing them with the information that they need.

Building on the work commissioned by the Welsh Regulators' Forum on reducing the administrative burden of data reporting on local authorities, this system could offer real potential for utilising the work on the National Enforcement Priority dashboards and the Benchmarking Hub as part of an overall public service performance management framework for Wales.

7.2.4 Funding

The regulatory landscape in Wales at both a local and national level is funded mainly through grants and income generated as a result of enforcement and compliance activity. This section provides an overview of the funding applied to deliver regulation in Wales.

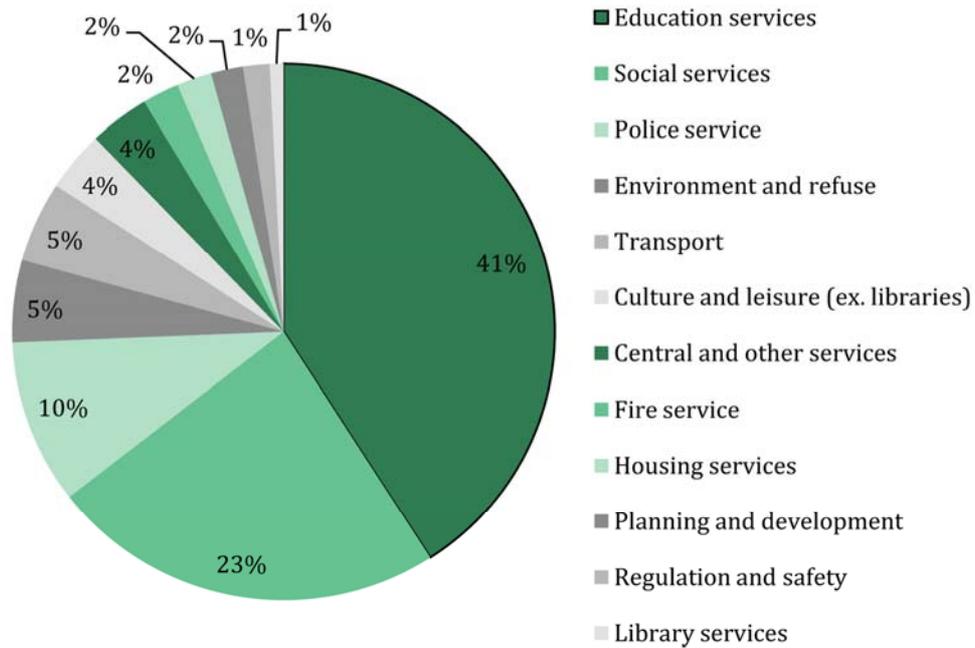
a. Grants

- **Local authorities / Fire and rescue authorities**

Whilst local authorities are responsible for compliance and enforcement activity related to the majority of trading standards, environmental health and licensing regulatory activity in Wales, spend is small in comparison with other service areas.¹⁶ In 2012-2013, estimated local government spend on regulation and safety in Wales equated to 1 per cent of the total net current spend of local government services in Wales, as shown in the pie chart which follows.

¹⁶ Institute for Fiscal Studies (IFS) Briefing Note (BN131): Local Government Expenditure in Wales: Recent Trends and Future Pressures (See <http://www.wlga.gov.uk/123/ifs-briefing-note-bn131-local-government-expenditure-in-wales-recent-trends-and-future-pressures>)

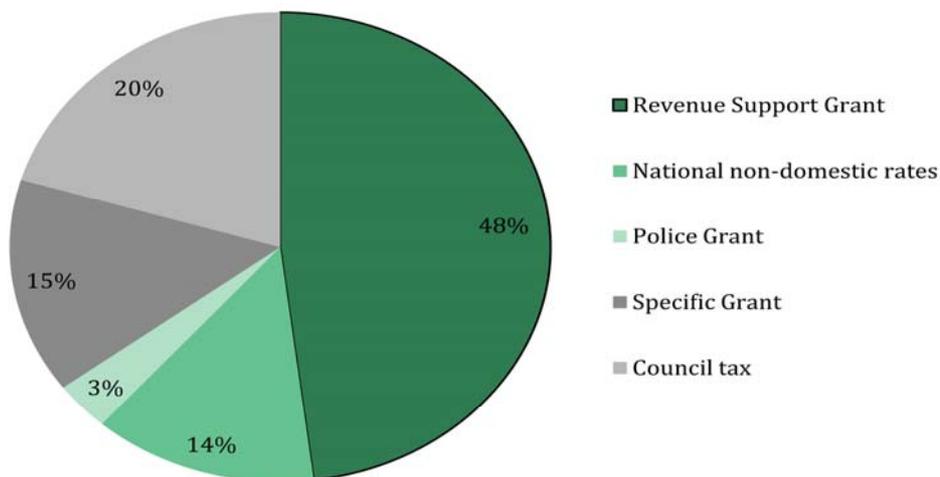
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Notes: Net current service spending is the overall level of spending on a service net of any income from providing that service. 'Central and other services' include corporate and democratic management and non-distributed costs.

Source: StatsWales, local government expenditure estimates, 2012–13.

¹⁷Welsh local government net expenditure is funded through a number of different sources, including council tax and general grants (redistributed national non-domestic rates and the Revenue Support Grant (RSG)) and specific grants from the Welsh and UK Governments, as shown in the pie chart below.



Source: Local Government budget estimates, 2012-13 and authors' calculations.

¹⁷ Institute for Fiscal Studies (IFS) Briefing Note (BN131): Local Government Expenditure in Wales: Recent Trends and Future Pressures (See <http://www.wlga.gov.uk/123/ifs-briefing-note-bn131-local-government-expenditure-in-wales-recent-trends-and-future-pressures>)

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In terms of regulatory activity, Welsh Government funds local authorities through:

- Revenue Support Grant and Non-Domestic Rates – These are non-hypothecated grants, which can be used by local authorities for any purpose they choose in delivering the services for which they are responsible, which in regulatory terms includes areas of devolved and non-devolved responsibility. Fire and rescue authorities in Wales receive their funding through levies on their constituent local authorities to deliver their services.
- Direct Grants – Local authorities receive grant funding directly from government departments to undertake specific areas of activity, for example animal health activity

For non-devolved areas of responsibility, local authorities will also receive funds direct from UK Government, for example, Home Office funding to deliver enforcement activity linked to the age restricted sales of knives.

Local authorities can also apply for funding direct from the national regulators, for example, local authorities can apply for grants direct from the Food Standards Agency for food safety and hygiene, food standards and feed regulatory activity. The Office of Fair Trading funds local authorities regionally to conduct visits to high risk applicants as part of consumer credit functions.

- **National regulators**

Welsh Government provides direct funding to the national regulators to deliver enforcement activity linked to devolved areas of responsibility, which is governed in the main through MofUs, Service Level Agreements and Remit Letters, as summarised below:

| Welsh Government Department | National Regulators |
|---|--|
| Local Government and Communities Department | Healthcare Inspectorate Wales (HIW) Care and Social Services Inspectorate Wales (CSSIW) |
| Sustainable Futures Department | Food Standards Agency (FSA), Animal Health and Veterinary Laboratories Agency (AHVLA), Food and Environment Research Agency (FERA) Natural Resources Wales (NRW) receives Revenue and Capital Grant in Aid Planning Inspectorate Centre for Environment, Fisheries and Aquaculture Science (CEFAS) - (Welsh Government funds NRW and CEFAS jointly with DEFRA for fishery enforcement activity) |
| Department for Health and Social Services | Food Standards Agency (FSA) |

Mapping the Regulatory Landscape in Wales

The Health and Safety Executive and Office of Fair Trading, which are responsible for solely non-devolved areas of responsibility, are funded via UK Government to deliver their work programmes within Wales.

b. Income generation

Income generation forms a key component in relation to the funding of regulatory activity in Wales at a local level and at a national level. For example, meat inspections undertaken by the Food Standards Agency are financed through charges levied on food business operators, whilst the Health Inspectorate Wales charges fees for its inspections.

8. Opportunities and challenges

¹⁸The 2013 UK Government Spending Review, resulting in a 2 per cent cut in real terms to the total Welsh Budget between 2014-15 and 2015-16, coupled with the rising demand for public services, provides a real challenge for Wales and calls for a different approach in the way in which services are managed and delivered in future, regulation being no exception.

The challenge will require public services to work together across organisational and geographic boundaries to make best use of the resources available to ensure that public services in Wales are fit for purpose and meet the needs of the people of Wales.

Regulation forms a key part of the public service landscape and all opportunities need to be fully exploited to ensure that regulatory services provide real outcomes for citizens and businesses in Wales. These include:

- Explore potential links with the LSBs and their partners (e.g. police, health service, housing associations) including those representing wider public service, business, third sector and community interests, as a way of integrating better regulation locally, including the potential for linking regulatory services with economic outcomes identified by partners for their area.
- Based on the principles of collaboration and simplification, build on the various proposals for regional working currently being explored by local authorities and the Welsh Local Government Association for trading standards services and determine how this learning might be applied to inform the future delivery of regulatory services across Wales.
- Maintain the good links between BRDO and the Welsh Government, in terms of informing the future development of the five year legislative programme and the work due to be undertaken by Welsh Government to assess the cumulative regulatory burden and impacts of its legislative programme on sectors in Wales.
- Building on the development of the Dashboards and Benchmarking Hub, engage in the future development of the 'Pan' performance management system as a tool to enable local authorities to effectively manage their performance and demonstrate the benefits and outcomes of regulatory activity against the National Enforcement Priorities for Wales.
- Building on the Primary Authority approach, explore mechanisms for linking regulatory compliance advice and support with existing business support mechanisms, ensuring businesses in Wales receive consistent and streamlined business advice and support on regulatory compliance linked to both devolved and non-devolved areas of responsibility.

¹⁸ <http://wales.gov.uk/about/cabinet/cabinetstatements/2013/spendinground2013/?lang=en>

APPENDIX 1: Programme for Government Themes and the National Enforcement Priorities for Wales

| Programme for Government Themes | National Enforcement Priorities (Regulatory Policy Areas) | | | |
|--|---|-------|-------|-------|
| | NEP 1 | NEP 2 | NEP 3 | NEP 4 |
| <p>Growth and Sustainable Jobs To strengthen the conditions that will enable business to create jobs and sustainable economic growth.</p> | ✓ | ✓ | ✓ | ✓ |
| <p>Public Services in Wales To support the delivery of effective and efficient public services that meet the needs of people in Wales.</p> | ✓ | ✓ | ✓ | ✓ |
| <p>21st Century Healthcare Better health for all with reduced health inequalities.</p> | ✓ | ✓ | | ✓ |
| <p>Welsh Homes To ensure that people have a high-quality, warm, secure and energy-efficient home to live in.</p> | ✓ | | | ✓ |
| <p>Safer Communities for All Make our communities safer through reductions in anti-social behaviour, crime (including the fear of crime), substance misuse and the incidence and impact of fires as well as effective co-ordination of emergencies.</p> | ✓ | | | ✓ |
| <p>Tackling Poverty Reducing poverty, especially persistent poverty amongst some of our poorest people and communities, and reducing the likelihood that people will become poor.</p> | | | ✓ | |
| <p>Environment and Sustainability To become a 'one planet nation', putting sustainable development at the heart of government.</p> | | | | ✓ |
| <p>Rural Communities Ensure that rural communities remain vibrant and able to offer people an excellent quality of life with access to high quality employment, affordable housing and public services and sustained by reliable and effective infrastructure in terms of broadband, public transport and utilities.</p> | ✓ | ✓ | ✓ | ✓ |
| <p>NEP 1 – Protecting individuals from harm and promoting health improvement (food nutrition, age restricted sales, firework safety, health and safety, fire safety)</p> <p>NEP 2 – Ensuring the safety and quality of the food chain to minimise risk to human and animal health (animal health and welfare, food safety and hygiene, food standards, feed)</p> <p>NEP 3 – Promoting a fair and just trading environment for citizens and business (road traffic overloading, product safety, intellectual property, metrology, consumer credit, fair trading)</p> <p>NEP 4 – Improving the local environment to positively influence quality of life and promote sustainability (environmental protection and pollution, housing, licensing)</p> | | | | |

APPENDIX 2: National Enforcement Priorities for Wales

NEP 1: PROTECTING INDIVIDUALS FROM HARM AND PROMOTING HEALTH IMPROVEMENT

| Roles | Food Nutrition | Public Health | Care & Social Services |
|--|---|---|--|
| Welsh Government Ministerial Portfolio | Minister for Health & Social Services | Minister for Local Government & Government Business Minister for Health & Social Services | Minister for Local Government & Government Business Minister for Health & Social Services/ Deputy Minister for Social Services |
| Responsibility to Welsh Minister | Department for Health & Social Services | Department for Health & Social Services Healthcare Inspectorate Wales (HIW) | Department for Health & Social Services Care & Social Services Inspectorate Wales (CSSIW) |
| Welsh Government Department | Department for Health & Social Services | Department for Health & Social Services Local Government & Communities Department | Department for Health & Social Services Local Government & Communities Department |
| Devolved / Non Devolved | Devolved | Devolved | Devolved |
| Legislative Lead | Department for Health & Social Services (Welsh Government/ Dept. of Health (UK Gov)) | Department for Health & Social Services (Welsh Government) | Department for Health, Social Services & Children (Welsh Government) |
| Policy Making Lead | Department for Health & Social Services (Welsh Government) / Dept. of Health (UK Government) | Department for Health & Social Services (Welsh Government) | Department for Health & Social Services (Welsh Government) |
| Issuing of Operational Guidance | Department for Health & Social Services (Welsh Government)/ Dept. of Health (UK Government) | Department for Health & Social Services (Welsh Government) | Department for Health & Social Services (Welsh Government) |
| Enforcement or Compliance Activity | Local Authorities – labelling of food related to nutrition and health claims <ul style="list-style-type: none"> • Environmental Health – catering establishments, gluten labelling • Trading Standards – general labelling and marketing (incl. nutrition and health claims) | Healthcare Inspectorate Wales (HIW) <ul style="list-style-type: none"> • Inspect and regulate healthcare in Wales • Review and inspect NHS and independent healthcare organisations in Wales • Regulate independent healthcare providers including private dentists • Local Supervising Authority for statutory supervision of midwives • Registers and inspects services and enforces regulations for independent healthcare | Care & Social Services Inspectorate Wales (CSSIW) <ul style="list-style-type: none"> • Registration, regulation, inspection and review of social care, early years and social services. • Responsible for inspecting and regulating: <ul style="list-style-type: none"> ▪ Care homes for adults, including those providing nursing care ▪ Domiciliary care agencies ▪ Adult placement schemes ▪ Nurses' agencies ▪ Children's homes ▪ Childminders, daycare services for under 8 |

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| Roles | Food Nutrition | Public Health | Care & Social Services |
|--|--|---|--|
| Enforcement or Compliance Activity | | | <ul style="list-style-type: none"> ▪ Fostering Agencies ▪ Adoption Agencies ▪ Boarding Schools ▪ Residential Special Schools ▪ FE Colleges which accommodate students under 18 <p>Care Council for Wales</p> <ul style="list-style-type: none"> • Responsible for the regulation of staff working in social care settings |
| Reporting / Accountability | No formal reporting arrangements between Local Authorities & Welsh Government | Working Agreement between HIW and Welsh Government | <ul style="list-style-type: none"> • CSSIW subject to the same internal audit procedures as Welsh Government • Protocol in place between Welsh Government & CSSIW outlining role and responsibilities • Local Authorities report to CSSIW • CSSIW report to public through publication of inspection reports, regulated settings and places, Chief Inspectors Report and Annual LA Social Services Inspection, Evaluation and Review Reports • Numerous other protocols in place between CSSIW and other key agencies |
| Finance / Direct Grants received for enforcement | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | <ul style="list-style-type: none"> • Welsh Government funds HIW to undertake enforcement actions • Income generated from inspection fees and consideration being given to on the spot fines | <ul style="list-style-type: none"> • Welsh Government funds CSSIW • Local Authorities funded by Welsh Government through RSG (Revenue Support Grant) funding • Welsh Government funds Social Service Improvement Agency who provides additional funding for Local Authority regulatory services |

Mapping the Regulatory Landscape in Wales

NEP 1: PROTECTING INDIVIDUALS FROM HARM AND PROMOTING HEALTH IMPROVEMENT

| Roles | Fire Safety | Firework Safety | Health & Safety |
|--|---|---|--|
| Welsh Government Ministerial Portfolio | Minister for Local Government & Government Business | None | None Indirect link to Minister for Local Government & Government Business in terms of community safety responsibilities (resilience). |
| Responsibility to Welsh Minister | Fire & Rescue Authorities (FRAs)/ Local Government & Communities Department | None. Department for Business, Innovation and Skills (UK Government) is responsible to Parliament | Health & Safety Executive (HSE) not responsible to any Welsh Minister. Parent Department is the Department for Work and Pensions (DWP). DWP responsible to Parliament. Secretary of State for Work & Pensions has responsibility for the health and safety at work portfolio, delegated to Minister for Employment. HSE provides updates, as necessary to Welsh Ministers on any new areas of policy and legislation which impacts on Wales. |
| Welsh Government Department | Local Government & Communities Department Sustainable Futures Department | None | Main link to Welsh Government is through the Corporate Health & Safety Department and the Resilience Branch in connection with major incidents. |
| Devolved / Non Devolved | Devolved apart from pay which is a reserved matter | Non Devolved | Non-Devolved |
| Legislative Lead | Welsh Government Local Government & Communities Department : <ul style="list-style-type: none"> • Fire & Rescue Service Act 2004 • Regulatory Reform (Fire Safety) Order 2005 • The Fire & Rescue Services (Emergencies) (Wales) Order 2007 Welsh Government Sustainable Futures Department: <ul style="list-style-type: none"> • Domestic Fire Safety (Wales) Measure 2011 | Department for Business, Innovation and Skills (UK Government) | Health & Safety Executive (HSE) Board agrees which advice should be put to Minister for Employment on policy matters/formation. Once agreed, legislation is set via Department for Work & Pensions. |

Mapping the Regulatory Landscape in Wales

| Roles | Fire Safety | Firework Safety | Health & Safety |
|--|--|---|--|
| Policy Making Lead | Welsh Government <ul style="list-style-type: none"> Local Government & Communities Department Sustainable Futures Department | Department for Business, Innovation and Skills (UK Government) | Health & Safety Executive (HSE) |
| Issuing of Operational Guidance | Welsh Government | Department for Business, Innovation and Skills (UK Government) | Health & Safety Executive (HSE) |
| Enforcement or Compliance Activity | Fire & Rescue Authority <ul style="list-style-type: none"> Responsible for inspections or audits of all non domestic premises <p>Welsh Ministers</p> <ul style="list-style-type: none"> Where there is a disagreement on fire precaution measures between the Fire & Rescue Authority and responsible persons, the issue will be referred to Welsh Minister for determination under article 36 of the Regulatory Reform (Fire Safety) Order 2005 <p>Fire & Rescue Adviser and Inspector for Wales is the enforcing authority for most crown premises in Wales.</p> | <ul style="list-style-type: none"> Local Authorities Health & Safety Executive for testing and displays | <p>Local Authorities:</p> <ul style="list-style-type: none"> Lower risk premises (shops, offices) <p>Health & Safety Executive(HSE):</p> <ul style="list-style-type: none"> High risk premises (engineering, construction, hazardous installations, nuclear etc) |
| Reporting / Accountability | <p>Fire & Rescue Services report to the Fire & Rescue Authorities.</p> <p>Fire & Rescue Authorities publish strategic plans outlining their direction of travel and how they are conforming to the Fire & Rescue National Framework prepared by Welsh Ministers.</p> <p>Fire & Rescue Authority performance is monitored against the National Framework and they report every 2yrs to the National Assembly for Wales.</p> <p>Wales Audit Office (WAO) undertakes an annual improvement audit and assessment for each Fire & Rescue Authority, which the Fire & Rescue Adviser uses to advise Welsh Ministers on the Fire & Rescue Authorities' performance.</p> | No reporting to Welsh Government | <ul style="list-style-type: none"> Local Authorities report to the Health & Safety Executive's (HSE's) LA Unit (LAU) on certain areas of activity. Health & Safety Executive (HSE) reports to Department for Work & Pensions Concordat Agreement between Welsh Government and the Health & Safety Executive (HSE) |
| Finance / Direct Grants received for enforcement | Fire & Rescue Authorities receive RSG (Revenue Support Grant) funding via the Local Authorities to deliver their services | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | <ul style="list-style-type: none"> Health & Safety Executive (HSE) receives budget allocation via Department for Work & Pensions Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities |

Mapping the Regulatory Landscape in Wales

NEP 1: PROTECTING INDIVIDUALS FROM HARM AND PROMOTING HEALTH IMPROVEMENT

| Roles | Age Restricted Sales – Tobacco | Age Restricted Sales – Alcohol | Age Restricted Sales – Knives |
|--|--|--|---|
| Welsh Government Ministerial Portfolio | None Devolved Areas – Minister for Health & Social Services | None Devolved Areas – Minister for Health & Social Services | None |
| Responsibility to Welsh Minister | None. Department of Health (UK Government) responsible to Parliament | None. Department for Culture, Media & Sport (UK Government) and Home Office responsible to Parliament | None. Home Office responsible to Parliament |
| Devolved/ Non Devolved | Non Devolved: <ul style="list-style-type: none"> • Age restricted Sales • Tobacco manufacturing and labelling • Tobacco promotion • Counterfeit tobacco • Niche products and associated products Devolved: <ul style="list-style-type: none"> • Legislation made on health grounds (e.g. vending machines and display of tobacco and tobacco prices) is devolved | Non- Devolved <ul style="list-style-type: none"> • Age restricted Sales Devolved – see Legislation section below | Non-Devolved |
| Legislative Lead | Devolved – Dept for Health & Social Services (Welsh Government) Non-Devolved – Department of Health (UK Government) | Age Restricted Sales – Department for Culture, Media & Sport (UK Government) & Home Office Legislation which underpins Welsh Government responsibilities include: <ul style="list-style-type: none"> • Crime & Disorder Act 1998 – responsible authorities required to formulate and implement a Strategy for combating drugs, alcohol and other substances • Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007 makes further provisions • National Health Service (Wales) Act 2006 – allows Welsh Ministers to exercise functions in relation to tackling substance misuse • Section 126 of Housing Grants, Construction and Regeneration Act 1996 provides powers for Welsh Ministers to give financial assistance for activities related to preventing crime or reducing the fear of crime and providing or improving training, education facilities or health services for local people. • Section 60, Government of Wales Act 2006 enables Welsh Ministers to undertake whatever is considered appropriate for the promotion or improvement of the social wellbeing of Wales | Home Office |

Mapping the Regulatory Landscape in Wales

| Roles | Age Restricted Sales – Tobacco | Age Restricted Sales – Alcohol | Age-Restricted Sales – Knives |
|--|--|---|--|
| Policy Making Lead | Devolved – Department for Health & Social Services (Welsh Government) Non-Devolved - Department of Health (UK Government) | Age Restricted Sales – Department for Culture, Media & Sport (UK Government) | Home Office |
| Issuing of Operational Guidance | Devolved – Department for Health & Social Services (Welsh Government) Non-Devolved - Department of Health (UK Government) | Age restricted Sales – Home Office, Trading Standards Institute, Association of Chief Police Officers (ACPO) (joint) | Association of Chief Police Officers (ACPO) |
| Enforcement or Compliance Activity | <ul style="list-style-type: none"> Local Authorities responsible for all enforcement activity apart from HM Revenue & Customs (HMRC), who are responsible for border control. RIPA authorisation for directive surveillance is given by a Magistrate | <ul style="list-style-type: none"> Local Authorities & Police RIPA authorisation for directive surveillance is given by a Magistrate | <ul style="list-style-type: none"> Local Authorities & Police Crime Commissioners RIPA authorisation for directive surveillance is given by a Magistrate |
| Reporting / Accountability | Local Authorities report to Welsh Government on an annual basis on the number of premises inspected, fixed penalties and successful prosecutions | No direct accountability/reporting to Welsh Government | No direct accountability/reporting to Welsh Government |
| Finance / Direct Grants received for enforcement | <ul style="list-style-type: none"> Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities Additional funding was provided via RSG to deliver smoking ban enforcement activity. | <ul style="list-style-type: none"> Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities From 1st April 2013, Welsh Government will provide funding direct to the Substance Misuse Area Planning Boards, who are tasked with producing an outcome based commissioning strategy, covering the 4 key aims of the Substance Misuse Strategy for Wales. | Home Office to Police Crime Commissioners & Local Authorities |

Mapping the Regulatory Landscape in Wales

NEP 2: ENSURING THE SAFETY AND QUALITY OF THE FOOD CHAIN TO MINIMISE RISK TO HUMAN AND ANIMAL HEALTH

| Roles | Animal Health & Welfare | Food Safety & Hygiene | Food Standards | Feed |
|--|--|---|--|---|
| Welsh Government Ministerial Portfolio | Minister for Health & Social Services Minister for the Natural Resources and Food | Minister for Health & Social Services Minister for the Natural Resources and Food | Minister for Health & Social Services | Minister for Health & Social Services Minister for the Natural Resources and Food |
| Responsibility to Welsh Minister | Office of the Chief Veterinary Officer for Wales (OCVO), Sustainable Futures Department Agriculture, Fisheries & Rural Strategy, Sustainable Futures Department Department for Health & Social Services | Department for Health & Social Services Agriculture, Fisheries & Rural Strategy, Sustainable Futures Department | Food Standards Agency Department for Health & Social Services | Food Standards Agency Sustainable Futures Department |
| Devolved/ Non Devolved | Devolved, with some minor exceptions, relating to EU and international trade matters, veterinary medicines and veterinary profession. Budgets for field activity and central costs are fully devolved, budgets for specific surveillance and generic surveillance and R&D are non devolved and are held by the Department for Environment, Food & Rural Affairs (DEFRA) on behalf of all GB administrations. | All devolved apart from residues of veterinary products, which is a reserved matter and is the responsibility of the Veterinary Medicines Directorate, an executive agency of the Department for Environment, Food & Rural Affairs (DEFRA). | Devolved | Devolved apart from medicated feed which is the responsibility of the Department for Environment, Food & Rural Affairs (DEFRA) (Veterinary Medicines Directorate) |

Mapping the Regulatory Landscape in Wales

| Roles | Animal Health & Welfare | Food Safety & Hygiene | Food Standards | Feed |
|---------------------------------|--|--|---|--|
| Legislative Lead | Welsh Government responsible for setting legislation for Animal Health & Welfare | Department for Environment, Food & Rural Affairs (DEFRA) <ul style="list-style-type: none"> • Veterinary Medicines Directorate (VMD) - residues of veterinary products Food Standards Agency <ul style="list-style-type: none"> • General (traceability) • Hygiene, RASFF, official controls) • Import controls – public health aspects, fish/fishery products and POAO • Labelling – food safety aspects • Biological safety e.g. food hygiene, TSE's • Chemical safety – e.g. food additives, contaminants, food contact materials • Biotechnology – GM Food • Radiological safety • Setting overall policy on the monitoring and classification of shellfish harvesting areas (including all final classifications) Welsh Government <ul style="list-style-type: none"> • Salt Waters (Inter-tidal areas) policy and legislation | EU <ul style="list-style-type: none"> • Organic Inspection and Certification System • Protected food names Food Standards Agency <ul style="list-style-type: none"> • Composition and standards, except for organic produce (FSA covers organic produce but not responsible for awarding organic status) | Department for Environment, Food & Rural Affairs (DEFRA) <ul style="list-style-type: none"> • Veterinary Medicines Directorate (VMD) – Medicated feed • Acts in consultation with the devolved administrations as lead UK Government Department with responsibility for chemicals legislation) / Welsh Government Sustainable Futures • Chemical Safety • Animal by-products – feed ban salmonellas Food Standards Agency <ul style="list-style-type: none"> • General (traceability, hygiene, RASFF, official controls) • Import controls • Labelling • Composition and Standards • Biological safety e.g. feed hygiene • Chemical safety – e.g. prohibited and undesirable substances • Biotechnology – GM feed |
| Policy Making Lead | Welsh Government, Office of the Chief Veterinary Officer (OCVO) responsible for setting out overall policy for animal health & welfare in Wales. | Welsh Government Food Standards Agency | Welsh Government Food Standards Agency | Welsh Government Food Standards Agency |
| Issuing of Operational Guidance | Welsh Government | Welsh Government Food Standards Agency – issue Food Law Code of Practice on behalf of the National Assembly for Wales and supporting Practice Guidance | Welsh Government Food Standards Agency – issue Food Law Code of Practice on behalf of the National Assembly for Wales and supporting Practice Guidance | Welsh Government Food Standards Agency – issue Food Law Code of Practice on behalf of the National Assembly for Wales and supporting Practice Guidance |

Mapping the Regulatory Landscape in Wales

| Roles | Animal Health & Welfare | Food Safety & Hygiene | Food Standards | Feed |
|---|--|--|--|--|
| <p>Enforcement or Compliance Activity</p> | <p>Welsh Government</p> <ul style="list-style-type: none"> Overall responsibility for the management and enforcement of Sea Fisheries across the Welsh Zone <p>Animal Health & Veterinary Laboratories Agency (AHVLA)</p> <ul style="list-style-type: none"> Animal by-products, local veterinary inspectors, veterinary surveillance, welfare of animals at slaughter outside of abattoirs, knackermen licenses, animal welfare on farms, scrapie, salmonella, operational delivery of TB policy, works with Local Authorities to co-ordinate TB enforcement and compliance activity across Wales <p>Food Standards Agency (FSA)</p> <ul style="list-style-type: none"> Welfare of animals at slaughter in all approved fresh meat premises Enforce TSE regulations <p>British Cattle Movement Service (BCMS) & Animal Movement Licence (AML)</p> <ul style="list-style-type: none"> Sheep and goat movement reporting, movement license forms for sheep, goats and pigs, sheep and cattle ear tag allocation system, equine identification requirements <p>British Pig Executive and Meat & Livestock Commission Services Limited</p> <ul style="list-style-type: none"> Movement reporting of pigs <p>Rural Inspection Wales</p> <ul style="list-style-type: none"> Statutory inspections(bovine sheep & goat records), identification & movement orders | <p>Local & Port Authorities</p> <ul style="list-style-type: none"> Responsible for enforcing fishery access (Salt Waters (Inter-tidal areas)) Responsible for water sampling with support from WG Responsible for enforcing fish movements Responsible for monitoring and verifying compliance with, and enforcing the main body of food and feed law, except that enforced by the Central Departments, as summarised below: <p>Food Standards Agency (FSA)</p> <ul style="list-style-type: none"> Inspection and approval of food irradiation facilities Approval of fresh meat establishments Classification and monitoring of shellfish harvesting areas (in Wales Local Authorities undertake all relevant sampling activity) Fresh meat hygiene controls, Specified Risk Material and other TSE controls in approved slaughterhouses and cutting plants BSE testing(on behalf of DEFRA) Hygiene controls in milk production holdings (FSA brought in house in April 2012 in England and Wales) Responsible for the management of fishery designations | <p>Local & Port Authorities</p> <ul style="list-style-type: none"> Responsible for monitoring and verifying compliance with, and enforcing the main body of food and feed law, except that enforced by the Central Departments, as summarised below: <p>Department for Environment, Food & Rural Affairs (DEFRA) (UK wide basis)</p> <ul style="list-style-type: none"> Organisation of protected food names scheme Overseeing system for certification of organic produce Policy on beef labelling system <p>Food Standards Agency (FSA)</p> <ul style="list-style-type: none"> Recognition of natural mineral waters from non-EEA countries in Scotland, Wales and Northern Ireland | <p>Local & Port Authorities</p> <ul style="list-style-type: none"> Responsible for monitoring and verifying compliance with, and enforcing the main body of food and feed law, except that enforced by the Central Departments, as summarised below: <p>Animal Health</p> <ul style="list-style-type: none"> Animal protein in feed ban <p>Health & Safety Executive(HSE), Chemicals Regulation Directorate (CRD)</p> <ul style="list-style-type: none"> Pesticide residue monitoring and enforcement <p>Department for Environment, Food & Rural Affairs (DEFRA), Veterinary Medicines Directorate (VMD)</p> <ul style="list-style-type: none"> Medicated feed, specified feed additives, veterinary medicine drug residue surveillance |

Mapping the Regulatory Landscape in Wales

| Roles | Animal Health & Welfare | Food Safety & Hygiene | Food Standards | Feed |
|---|---|---|----------------|------|
| <p>Enforcement or Compliance Activity</p> | <p>Department for Environment, Food & Rural Affairs (DEFRA), Food & Environment Research Agency (FERA) - National Bees Inspectorate</p> <ul style="list-style-type: none"> • Healthy Bees Programme in Wales <p>Environment Agency (EA)/ Natural Resources Wales (NRW)</p> <ul style="list-style-type: none"> • WG consult with EA, for example on carcass disposal • Enforcement and management of 2 intertidal cockle fisheries • Rod Licensing Fish Movement • Eel Authorisations Net/rods and licenses <p>Department for Environment, Food & Rural Affairs (DEFRA)</p> <ul style="list-style-type: none"> • Scientific sampling of Sea Fisheries in Wales <p>Centre for Environment, Fisheries & Aquaculture Science (CEFAS) - Fish Health Inspectorate</p> <ul style="list-style-type: none"> • Implementation and enforcement of fish and shellfish health matters <p>Local & Port Health Authorities</p> <ul style="list-style-type: none"> • Check compliance with a wide range of animal health and welfare legislation, including animal identification, animal movements and movement records, disease control, animal gatherings, animal welfare, bio-security, contingency planning, animal by-products, dog licensing, vehicle checks, including inspection at markets • Operating the British Cattle Movement Service (BCMS) and Animal Movement Licence (AMLS)2, involving entry of movement data • TB legislation enforcement relating to bovines and non-bovines, unless Welsh Ministers decide that they should enforce the legislation in any particular case or class of case. | <p>Animal Health Egg Marketing (on behalf of the Food Standards Agency)</p> <ul style="list-style-type: none"> • Hygiene controls in egg production units <p>Welsh Government</p> <ul style="list-style-type: none"> • Overall responsibility for the management and enforcement of sea fisheries across the Welsh Zone • Responsible for issuing commercial shellfish gathering permits (Salt Waters (Inter-tidal areas)) | | |

Mapping the Regulatory Landscape in Wales

| Roles | Animal Health & Welfare | Food Safety & Hygiene | Food Standards | Feed |
|----------------------------|--|---|--|---|
| Reporting / Accountability | <p>Animal Health & Welfare Framework provides clarity on service delivery to the Department for Environment, Food & Rural Affairs (DEFRA), Welsh Government, Local Authorities and Animal Health & Veterinary Laboratories Agency (AHVLA) on animal health & welfare.</p> <p>Local Authorities put forward Priority Action Plans annually for Welsh Government agreement which sets out their proposed activity for the forthcoming year.</p> <p>Animal Health & Welfare Management and Enforcement System provides detailed reports to inform local and central government of delivery levels, trends in non compliance etc.</p> <p>Welsh Government has Service Level Agreements in place with the Food & Environment Research Agency (FERA), Food Standards Agency (FSA), British Cattle Movement Service (BCMS), Centre for Environment, Fisheries & Aquaculture Science (CEFAS) and Animal Health & Veterinary Laboratories Agency (AHVLA)</p> <p>Welsh Government Remit letter with Natural Resources Wales (NRW)</p> <p>Welsh Government works closely with Local Authorities on all aspects of fishery enforcement activity</p> <ul style="list-style-type: none"> • Monthly meetings between Welsh Government & Food Standards Agency (FSA) linked to fishery management designations. | <p>The Food Standards Agency (FSA) is accountable to the National Assembly for Wales for its work in Wales.</p> <p>Food Standards Agency (FSA) has statutory powers in respect of monitoring and auditing the performance of local and port health authorities, in accordance with Framework Agreements.</p> <p>Food Standards Agency's (FSA's) Internal Audit team audit Food Standards Agency's Meat Hygiene Operations, which determines whether the Food Standards Agency's (FSA's) operations, practices and activities comply with the requirements specified in the Manual for Official Controls and relevant legislation.</p> <p>Welsh Government works closely with Local Authorities on all aspects of fishery enforcement activity</p> <ul style="list-style-type: none"> • Concordat in existence setting out a framework for co-operation between Welsh Government and Food Standards Agency (FSA). | <p>Food Standards Agency (FSA) has statutory powers in respect of monitoring and auditing the performance of local and port health authorities, in accordance with Framework Agreements.</p> <p>Food Standards Agency's (FSA's) Internal Audit team audit Food Standards Agency's (FSA's) Meat Hygiene Operations, which determines whether the Food Standards Agency's (FSA's) operations, practices and activities comply with the requirements specified in the Manual for Official Controls and relevant legislation.</p> <p>Concordat in existence setting out a framework for co-operation between Welsh Government and Food Standards Agency (FSA).</p> | <p>Food Standards Agency (FSA) has statutory powers in respect of monitoring and auditing the performance of local and port health authorities, in accordance with the Framework Agreements.</p> <p>Concordat in existence setting out a framework for co-operation between Welsh Government and Food Standards Agency (FSA).</p> |

Mapping the Regulatory Landscape in Wales

| Roles | Animal Health & Welfare | Food Safety & Hygiene | Food Standards | Feed |
|---|---|---|--|---|
| <p>Finance / Direct Grants received for enforcement</p> | <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities</p> <p>Welsh Government, Office of the Chief Veterinary Officer for Wales (OCVO) – funds Food Standards Agency (FSA), Animal Health & Veterinary Laboratories Agency (AHVLA), Food & Environment Research Agency (FERA)</p> <p>Welsh Government (Agriculture, Fisheries & Rural Strategy) – funds Local Authorities for animal health enforcement activity and the Environment Agency(EA)/Natural Resources Wales(NRW) and the Centre for Environment, Fisheries & Aquaculture Science (CEFAS)(jointly with DEFRA) for fishery enforcement activity</p> | <p>Meat inspections are financed through charges levied on food business operators and government agencies and through funding provided centrally by Food Standards Agency (FSA).</p> <p>Local Authorities can apply for grants from the Food Standards Agency (FSA) towards regulatory activity.</p> <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities</p> <p>Welsh Government funds the Food Standards Agency (FSA)</p> | <p>Meat inspections are financed through charges levied on food business operators and government agencies and through funding provided centrally by Food Standards Agency (FSA.).</p> <p>Local Authorities can apply for grants from the Food Standards Agency (FSA) towards regulatory activity.</p> <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities</p> <p>Welsh Government funds the Food Standards Agency (FSA)</p> | <p>Local Authorities can apply for grants from the Food Standards Agency (FSA) towards regulatory activity.</p> <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities</p> <p>Welsh Government funds the Food Standards Agency (FSA)</p> |

Mapping the Regulatory Landscape in Wales

NEP 3: PROMOTING A FAIR AND JUST TRADING ENVIRONMENT FOR CITIZENS AND BUSINESS

| Roles | Road Traffic Overloading | Product Safety | Intellectual Property | Metrology |
|--|---|---|--|---|
| Welsh Government Ministerial Portfolio | None | None | None | None |
| Responsibility to Welsh Minister | None. Department for Transport (UK Government) responsible to Parliament | None. Department for Business Innovation & Skills (UK Government) responsible to Parliament. | None. Department for Business Innovation & Skills (UK Government) responsible to Parliament. | None. Department for Business, Innovation & Skills (UK Government) responsible to Parliament. |
| Devolved/ Non Devolved | Non Devolved. Welsh Government has an interest in road traffic overloading from a road safety and maintenance point of view. | Non-Devolved | Non-Devolved | Non-Devolved |
| Legislative Lead | Department for Transport (UK Government) | Department for Business, Innovation & Skills (UK Government) | Department for Business, Innovation & Skills (UK Government) | Department for Business, Innovation & Skills (UK Government) |
| Policy Making Lead | Vehicle & Operator Services Agency (VOSA) | Department for Business, Innovation & Skills (UK Government) | Department for Business, Innovation & Skills (UK Government) & UK Intellectual Property Office | National Measurement Office (NMO) |
| Issuing of Operational Guidance | Vehicle & Operator Services Agency (VOSA), Association of Chief Police Officers, Shared Joint | Department for Business, Innovation & Skills (UK Government) | Department for Business, Innovation & Skills (UK Government) & UK Intellectual Property Office | National Measurement Office (NMO) |
| Enforcement or Compliance Activity | Vehicle & Operator Services Agency (VOSA), Local Authorities, Police | Local Authorities | Local Authorities Police | Local Authorities |
| Reporting / Accountability | None Welsh Government liaises with Vehicle & Operator Services Agency (VOSA) on a case by case basis, where there are issues of relevance to road safety & maintenance | None | Department for Business, Innovation and Skills (BIS). BIS liaises with Welsh Government (Economy, Science and Transport) regarding consultations / regulatory issues around Intellectual Property | Inspections and verifications by Local Authorities to National Measurement Office (NMO) |
| Finance / Direct Grants received for enforcement | Welsh Government provide RSG (Revenue Support Grant) funding to Local Authorities | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities. National Trading Standards Board funding for product safety work at ports – to some Local Authorities (pilot) | National Trading Standards Board (NTSB) fund Scambuster teams | Welsh Government provide RSG (Revenue Support Grant) funding for Local Authorities |

Mapping the Regulatory Landscape in Wales

NEP 3: PROMOTING A FAIR AND JUST TRADING ENVIRONMENT FOR CITIZENS AND BUSINESS

| Roles | Consumer Credit (until 31 March 2014) | Consumer Credit (from April 2014) | Fair Trading (until 31 March 2013) | Fair Trading (except unfair terms) – OFT until 31 March 2014, then Competition Markets Authority (CMA) |
|--|--|--|---|---|
| Welsh Government Ministerial Portfolio | None | None | None | None |
| Responsibility to Welsh Minister | None. Department for Business, Innovation & Skills (BIS) (UK Government) and Office of Fair Trading (OFT) are responsible to Parliament | None. HM Treasury (HMT) will be responsible to Parliament? | None. Department for Business, Innovation & Skills (BIS) (UK Government) and Office of Fair Trading (OFT) are responsible to Parliament | None. Department for Business, Innovation & Skills (BIS) (UK Government) and Office of Fair Trading (OFT)/ Competition Markets Authority (CMA) |
| Devolved / Non Devolved | Non Devolved | Non Devolved | Non Devolved | Non Devolved |
| Legislative Lead | Department for Business, Innovation & Skills (UK Government) | HM Treasury (HMT)? | Department for Business, Innovation & Skills (BIS) (UK Government) | Department for Business, Innovation & Skills (BIS) (UK Government) |
| Policy Making Lead | Department for Business, Innovation & Skills (BIS) (UK Government) | HM Treasury (HMT)? | Department for Business, Innovation & Skills (BIS) (UK Government) / Office of Fair Trading (OFT) | Department for Business, Innovation & Skills (BIS) (UK Government) / Office of Fair Trading (OFT) |
| Issuing of Operational Guidance | Office of Fair Trading (OFT) | Financial Conduct Authority (FCA) | Department for Business, Innovation & Skills (BIS) (UK Government) / Office of Fair Trading (OFT) | Department for Business, Innovation & Skills / Trading Standards Institute (TSI) |
| Enforcement or Compliance Activity | Office of Fair Trading (OFT) Local Authorities | Financial Conduct Authority (FCA)/ Local Authorities | Local Authorities Office of Fair Trading (OFT) | Local Authorities / Office of Fair Trading (OFT)/ Competition Markets Authority (CMA) |
| Reporting / Accountability | Local Authorities have a duty to notify Office of Fair Trading (OFT) of action they intend to take under CCA and EA | To be determined | Local Authorities will notify Office of Fair Trading (OFT) of action they intend to take under the Enterprise Act (s214) and other consumer protection legislation (s230) | Local Authorities will notify Office of Fair Trading (OFT) of action they intend to take under the Enterprise Act (s214) and other consumer protection legislation (s230) |
| Finance / Direct Grants received for enforcement | Local Authorities funded regionally by Office of Fair Trading (OFT) to conduct visits to high risk applicants. Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | To be determined Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities |

Mapping the Regulatory Landscape in Wales

NEP 3: PROMOTING A FAIR AND JUST TRADING ENVIRONMENT FOR CITIZENS AND BUSINESS

| Roles | Fair Trading: unfair terms legislation | National Trading Standards Board (NTSB)¹ | Trading Standards Institute (TSI)² |
|--|--|--|--|
| Welsh Government Ministerial Portfolio | None | None | None |
| Responsibility to Welsh Minister | None. Department for Business, Innovation & Skills (BIS) (UK Government) and Office of Fair Trading (OFT)/ Competition Markets Authority (CMA) responsible to Parliament | None. Department for Business, Innovation & Skills (BIS) (UK Government) responsible to Parliament | None |
| Devolved / Non Devolved | Non Devolved | Non Devolved | N/A |
| Legislative Lead | Department for Business, Innovation & Skills (BIS) (UK Government) | Department for Business, Innovation & Skills (BIS) (UK Government) | N/A |
| Policy Making Lead | Department for Business, Innovation & Skills (BIS)/ Office of Fair Trading(OFT)/ Competition Markets Authority (CMA) | National Trading Standards Board(NTSB) | No |
| Issuing of Operational Guidance | Department for Business, Innovation & Skills / Office of Fair Trading (OFT)/ Competition Markets Authority (CMA) | National Trading Standards Board (NTSB) | Yes |
| Enforcement or Compliance Activity | Office of Fair Trading(OFT)/ Competition Markets Authority (CMA) / Local Authorities – Trading Standards | National Trading Standards Board (NTSB) – Directed through National Tactical Tasking and Co-ordinating Group (NTTCG) | N/A |
| Reporting / Accountability | Local Authorities will notify Office of Fair Trading (OFT)of action they intend to take under the Enterprise Act (s214) | National Trading Standards Board (NTSB) will work with Consumer Protection Partnership members (CPP) | N/A |
| Finance / Direct Grants received for enforcement | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | National Trading Standards Board (NTSB) will fund Scambuster and Illegal Money Lending Teams and provide support for cases of national importance. | N/A |

¹ NTSB – a representative body, supporting the trading standards landscape

² TSI – a professional body, supporting the trading standards landscape

Mapping the Regulatory Landscape in Wales

NEP 4: IMPROVING THE LOCAL ENVIRONMENT TO POSITIVELY INFLUENCE QUALITY OF LIFE AND PROMOTE SUSTAINABILITY

| Roles | Environmental Protection & Pollution | Housing | Licensing – gambling premises |
|--|--|---|---|
| Welsh Government Ministerial Portfolio | Minister for the Natural Resources and Food Minister for Culture and Sport | Minister for Housing and Regeneration | None |
| Responsibility to Welsh Minister | Sustainable Futures Department (numerous branches) | Sustainable Futures Department – Housing Policy Division | None. Department for Culture, Media & Sport (UK Government) responsible to Parliament |
| Devolved / Non Devolved | Devolved and Non Devolved | Devolved | Non Devolved |
| Legislative Lead | Devolved: <ul style="list-style-type: none"> • Welsh Government • Non Devolved • Department for Environment, Food & Rural Affairs (DEFRA) (UK Government), Department for Business, Innovation & Skills (BIS) (UK Government), HM Treasury (Landfill Tax) | Welsh Government <ul style="list-style-type: none"> • Housing Health & Safety Rating System (Part 1 of the Housing Act 2004) • HMO Licensing | <ul style="list-style-type: none"> • Department for Culture, Media & Sport (UK Government) |
| Policy Making Lead | Welsh Government, Department for Environment, Food & Rural Affairs (DEFRA) (UK Government), Business, Innovation & Skills | Welsh Government | Department for Culture, Media & Sport (UK Government), Gambling Commission and Local Authorities |
| Issuing of Operational Guidance | EU, Welsh Government, Department for Environment, Food & Rural Affairs (DEFRA) (UK Government) Natural Resources Wales (after 1 April 2013) | Welsh Government | Gambling Commission |
| Enforcement or Compliance Activity | Natural Resources Wales – issues registrations, authorisations, licenses, permissions and permits under a wide range of environmental legislation which includes: <ul style="list-style-type: none"> • Flood Defence Consenting • Water Protection Zones such as the Dee WPZ • Groundwater Protection including Source Protection Zones • Waste Packaging regulations including Producer Responsibility, Waste, Electrical and Electronic Equipment, • Waste Batteries regulations • Control of Major Accidental Hazards as part of Joint Competent Authority • CRC Energy Efficiency • Registration Evaluation Authorisation and restriction of Chemicals (REACH) and Persistent Organic Pollutants derogation • EU Emissions Trading Scheme • Transfrontier Shipment of Wastes including shipment of Radioactive Waste and Spent Fuel • Environmental Permitting of Waste operations and Industrial Installations • Waste site exemptions • Discharges to water and groundwater • Intensive Agriculture permits | Local Authorities <ul style="list-style-type: none"> • Housing Health & Safety Rating System Enforcement • HMO Licensing | Gambling Commission Licensing Authorities – Local Authorities |

Mapping the Regulatory Landscape in Wales

| Roles | Environmental Protection & Pollution | Housing | Licensing – gambling premises |
|---|--|---------|-------------------------------|
| <p>Enforcement or Compliance Activity</p> | <ul style="list-style-type: none"> • Septic tank registration • Hazardous Waste Producers • Water Quality Consents • Radioactive Substances Regulation – Both Nuclear and Non-Nuclear Activities including High Activity Sealed Sources • Waste carriers/dealers/brokers • Impoundment, Drought permits and Abstraction licenses • F-Gas regulation • Commercial Fisheries licensing including cockles, Eel and Elver licences • Live Fish movements and movement of live fish • Protected species licensing <p>Also responsible for:</p> <ul style="list-style-type: none"> • Reservoir safety, including a general supervisory role for all aspects of flood and coastal erosion risk management • Duty to manage and plan water resources • Monitor all new and currently designated bathing waters from the beginning of each bathing season. They develop a bathing water profile for each new site and take forward the plans to monitor and protect the bathing water. If a designated bathing water does not meet minimum water quality standards the NRW will investigate the sources of pollution and will recommend remedial measures. • Monitor and analyse water quality status, linked to the Chemical Analysis of Water Status Directions 2011. • Enforcement of large scale fly tipping incidents • Fisheries enforcement • Enforcement of Controlled Waters • Responsible for special sites designated as contaminated land • Advising WG on designations <p>Welsh Government:</p> <ul style="list-style-type: none"> • Responsible for endorsing applications for identifying bathing waters for designation and de-designation in Wales • Issues notices for waters protected under the Freshwater Fish Directive and places an obligation on the Natural Resources Wales to ensure that designated waters meet their objectives • Responsible for administering Shellfish Water Designation in Wales – issue the notice and schedule and place an obligation on Natural Resources Wales to ensure that designated waters meet the requirements of the directive <p>OFWAT (The Water Services Regulation Authority)</p> <ul style="list-style-type: none"> • Responsible for regulating water and sewerage providers in England & Wales • Issuing water supply licenses | | |

Mapping the Regulatory Landscape in Wales

| Roles | Environmental Protection & Pollution | Housing | Licensing – gambling premises |
|---|---|---------|-------------------------------|
| <p>Enforcement or Compliance Activity</p> | <p>Local Authorities:</p> <ul style="list-style-type: none"> • Duty to monitor private water supplies in their area and enforce standards that are set in the Private Water Supplies Regulations 2010. They must also undertake risk assessments of each private supply that supplies more than one home or is used for commercial purposes • Enforcement in relation to drinking water • Responsible for contaminated land under Part 2A of the Environment Protection Act • Enforcement of smaller scale fly tipping incidents • Littering, dog fouling, dog control orders, graffiti etc • Statutory nuisances and neighbourhood noise • Single Use Carrier Bags enforcement • Allotments • Review and assessment of air quality <p>Drinking Water Inspectorate(DWI):</p> <ul style="list-style-type: none"> • DWI, on behalf of Welsh Government, responsible for the audit and inspection of water companies in Wales and enforcement action to ensure they comply with the 1991 Water Industry Act and the 2010 Regulations, including investigation of customer complaints and incidents which affect drinking water supplies. <p>Health & Safety Executive (HSE)</p> <ul style="list-style-type: none"> • Worker safety on Welsh Nuclear Sites <p>Department for Environment, Food & Rural Affairs (DEFRA)</p> <ul style="list-style-type: none"> • Air quality control and management <p>Vehicle Licensing Agency: (DVLA)</p> <ul style="list-style-type: none"> • Enforcement of batteries regulations <p>Welsh Ministers</p> <ul style="list-style-type: none"> • Required to hear a number of appeals under the Land Drainage Act 1991 and the Flood and Water Management Act 1991, which in practice, many are delegated to third parties including the planning inspectorate • In severe case of drought Welsh Ministers can issue drought orders <p>Planning Inspectorate</p> <ul style="list-style-type: none"> • Processing planning and enforcement appeals <ul style="list-style-type: none"> • Natural Resources Wales will be operative from 1 April 2013 and will significantly change the regulatory landscape in relation to environmental protection and pollution. | | |

Mapping the Regulatory Landscape in Wales

| Roles | Environmental Protection & Pollution | Housing | Licensing – gambling premises |
|----------------------------|---|---|---|
| Reporting / Accountability | <p>Natural Resources Wales</p> <ul style="list-style-type: none"> • Welsh Government & Natural Resources Wales (NRW) Remit letter. • Natural Resources Wales (NRW) reports to Welsh Government on a quarterly basis • Natural Resources Wales (NRW) required to produce a report to Welsh Government on flood and coastal risk management in Wales including the application of the National Strategy <p>Local Authorities</p> <ul style="list-style-type: none"> • Local Authorities report to WG through Outcome Agreements • Local Authorities provide statistical data on number of fixed penalty notices to Welsh Government • Local Authorities report informally to Welsh Government • Local Authorities report the detail of their monitoring on private water supplies to the Drinking Water Inspectorate (DWI) and Welsh Government • Accountable to Welsh Government for provision of waste management and collection services and compliance with national and Welsh targets • Report waste data to Natural Resources Wales (NRW) <p>Welsh Government</p> <ul style="list-style-type: none"> • Informs the Department for Environment, Food & Rural Affairs (DEFRA) of any new designated or de-designated bathing waters in Wales on a yearly basis • Reports waste data for Wales to the Department for Environment, Food & Rural Affairs (DEFRA) • Various Concordats with UK Government <p>Department for Environment, Food & Rural Affairs (DEFRA)</p> <ul style="list-style-type: none"> • Supply a list of all UK designated bathing waters to the EU Commission • Accountable to EU Commission for Member State waste targets <p>Drinking Water Inspectorate (DWI)</p> <ul style="list-style-type: none"> • Produce Annual Report on Drinking Quality in Wales • MofU with Welsh Government <p>OFWAT(The Water Services Regulation Authority)</p> <ul style="list-style-type: none"> • MofU with WG <p>Welsh Government / Department for Environment, Food & Rural Affairs (DEFRA) – accountable to EU Commission on transposition of EU legislation</p> | <p>No direct reporting between Local Authorities & Welsh Government</p> <p>Direct reporting between Local Authorities & Welsh Government. The Welsh Government’s Knowledge and Advisory Service regularly produces statistical bulletins in relation to HHSRS and HMO licensing. These are based on returns submitted by local authorities.</p> | <p>Licensing Authorities (Local Authorities) reports to Gambling Commission</p> |

Mapping the Regulatory Landscape in Wales

| Roles | Environmental Protection & Pollution | Housing | Licensing – gambling premises |
|--|--|---|---|
| Finance / Direct Grants received for enforcement | <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities, including grants dedicated for specific activities. Also, Welsh Government awards Sustainable Waste Management Grants to Local Authorities</p> <p>Welsh Government provides revenue and capital grant in aid to Natural Resources Wales (NRW)</p> <p>Welsh Government funds Planning Inspectorate</p> | <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities</p> <p>Extra funding provided through RSG (Revenue Support Grant) pot by Housing Division to cover the added responsibilities on Local Authorities in relation to implementation of HMO Licensing</p> | <p>Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities</p> |

Mapping the Regulatory Landscape in Wales

NEP 4: IMPROVING THE LOCAL ENVIRONMENT TO POSITIVELY INFLUENCE QUALITY OF LIFE AND PROMOTE SUSTAINABILITY

| Roles | Licensing – petroleum | Licensing – explosives | Licensing – taxis | Licensing – alcohol |
|--|---|---|---|---|
| Welsh Government Ministerial Portfolio | None | None | None | None |
| Responsibility to Welsh Minister | None. Department of Work & Pensions (UK Government) responsible to Parliament | None. Department of Work & Pensions (UK Government) responsible to Parliament | None. Department for Transport (UK Government) responsible to Parliament. | None. Department for Culture, Media & Sport (UK Government) is responsible to Parliament |
| Devolved / Non Devolved | Non Devolved | Non Devolved | Non Devolved | Non- Devolved <ul style="list-style-type: none"> • Licensing – alcohol Devolved – see Legislation section below |
| Legislative Lead | Department for Work & Pensions (UK Government) | Department for Work & Pensions (UK Government) | Department for Transport (UK Government) | Licensing – Alcohol <ul style="list-style-type: none"> • Department for Culture, Media & Sport (UK Government) Legislation which underpins Welsh Government responsibilities include: <ul style="list-style-type: none"> • Crime & Disorder Act 1998 – responsible authorities required to formulate and implement a Strategy for combating drugs, alcohol and other substances • Substance Misuse (Formulation and Implementation of Strategy) (Wales) Regulations 2007 makes further provisions • National Health Service (Wales) Act 2006 – allows Welsh Ministers to exercise functions in relation to tackling substance misuse • Section 126 of Housing Grants, Construction and Regeneration Act 1996 provides powers for Welsh Ministers to give financial assistance for activities related to preventing crime or reducing the fear of crime and providing or improving training, education facilities or health services for local people. • Section 60, Government of Wales Act 2006 enables Welsh Ministers to undertake whatever is considered appropriate for the promotion or improvement of the social wellbeing of Wales |
| Policy Making Lead | Health & Safety Executive (HSE) | Health & Safety Executive (HSE) | Department for Transport (UK Government) Local Authorities | Department for Culture, Media & Sport (UK Government) Local Authorities |
| Issuing of Operational Guidance | Health & Safety Executive (HSE) (Petroleum Enforcement Liaison Group) | Health & Safety Executive (HSE) | Department for Transport (UK Government) | |
| Enforcement or Compliance Activity | Local Authorities or Fire Authority where separate | Local Authorities or Fire Authority where separate | Local Authorities | Local Authorities, shared with police |

Mapping the Regulatory Landscape in Wales

| Roles | Licensing – petroleum | Licensing – explosives | Licensing – taxis | Licensing – alcohol |
|--|--|--|--|--|
| Reporting / Accountability | No reporting to Welsh Government. | No reporting to Welsh Government. | Local Authorities report to Department for Transport (UK Government) | Local Authorities to Department for Culture, Media & Sport (UK Government) (Alcohol, Entertainment & Late Night Refreshment Licensing Return) |
| Finance / Direct Grants received for enforcement | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities | Welsh Government provides RSG (Revenue Support Grant) funding to Local Authorities. From 1 st April, Welsh Government will provide funding direct to the Substance Misuse Area Planning Boards, who are tasked with producing an outcome based commissioning strategy, covering the 4 key aims of the Substance Misuse Strategy for Wales. |

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