

# LGA response to consultation on cleaner domestic burning of solid fuels and wood

October 2018



## About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

## Key messages

- Local authorities share the Government's commitment to improving air quality and support the phasing out the most polluting products used for domestic burning given their contribution to emissions.
- We welcome the approach proposed in the consultation, which is based on the principle of industry led certification and audit and recognises the importance of businesses taking responsibility for the products that they sell.
- Whilst the proposals go some way to outlining a clear and straightforward enforcement policy, there is need for greater clarity around the proposed scope of local authorities' role in enforcement.
- In discussions with officials, the LGA has previously raised concerns about councils' ability to undertake upfront work on this issue given the severe financial pressures regulatory services are under. Government cannot keep giving councils new regulatory responsibilities and expect them to be able to deliver on them unless local capacity is increased.
- In order for councils to be able to enforce new regulations, it is vital that the Government provides sufficient resources and funding. This includes up-front funding to support proactive compliance work on this issue, and a national, Government-led information campaign to make the public aware of the new rules.

## Detailed response

Whilst local authorities share the Government's commitment to delivering clean air, as outlined in our response to the Clean Air Strategy there is a risk that additional activity to enforce new regulations on domestic burning will not be undertaken without extra resources provided centrally or some other means of funding the activity being made available.

We support the principle outlined in the consultation which builds on an existing industry led certification scheme and places responsibility on suppliers to demonstrate compliance with regulations in order to be certified. This certification process would be backed up by the certification agency's testing and audit process, alongside enforcement activity at the local level led by councils Trading Standards teams. Local authorities would be given new powers to issue Fixed Penalty Notices (FPNs) which could be used to recoup some of the costs of any enforcement activity.

However, the enforcement policy outlined in the consultation lacks detail on the level of involvement Trading Standards would be required to have. Whilst ensuring packaging of wood and solid fuels complies with requirements would be a relatively small additional burden, although one that would divert resources from other activities, if Trading Standards were expected to be involved in more complex testing of products, for example testing moisture content of wood, this would be much more resource intensive.

Councils in general want to take a proactive approach to compliance and enforcement, but local trading standards teams are under severe financial pressure. Since 2009, the number of trading standards officers has reduced by 56 per cent.<sup>i</sup> We have previously advised Government that it is simply not sustainable to continue to create additional enforcement responsibilities for local authorities given the reduction in capacity across many authorities. The reality is that regulatory services, including trading standards services, will only be able to actively enforce issues that are key local priorities, meaning that the service's response to new enforcement responsibilities such as this will depend on the priority and available resources locally.

Government needs to provide the resources and funding that will be needed to make enforcement a success. Introducing new powers for authorities to issue Fixed Penalty Notices (FPNs) whilst welcome, is unlikely to enable authorities to fully recoup the cost of enforcement activities, and does not fund initial support and compliance work which is intended to prevent the need for enforcement action. Designating lead authorities to work on this issue, and providing funding for testing, would therefore help.

Councils will also require clear and timely guidance from the Government in order to enforce new rules. Government must also work with industry groups and trade associations to ensure that there is widespread understanding of and compliance with new restrictions. This should be done alongside an information campaign making the public aware of the health risks associated with burning certain fuels, and steps they can take to switch to cleaner alternatives.

When considering whether exemptions should apply, Government should take into account the local circumstances of those in fuel poverty as there is unlikely to be a "one size fits all" solution.

---

<sup>i</sup> National Audit Office, Protecting consumers from scams, unfair trading and unsafe goods, December 2016 (<https://www.nao.org.uk/report/protecting-consumers-from-scams-unfair-trading-and-unsafe-goods/>)