

## 12 The enforcement role of local government as a tool for health

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Public health is at the heart of local authorities' role in enforcing environmental health, and trading standards regulations and the origins of the environmental health profession lie in the public health crises of the nineteenth century. Today these regulatory services have a significant role to play in ensuring that the environment in which we live, work, and play enhances our health, creating healthy workplaces, reducing alcohol and tobacco related harm, maintaining acceptable standards of private rented housing, improving air quality, food standards and safety, and ensuring consumers are sold safe, properly functioning products.

Local authorities' enforcement responsibilities are often utilised in conjunction with national regulators such as the Health and Safety Executive (HSE), the Food Standards Authority (FSA) and the Environment Agency, although the nature of the relationship varies depending on the regulatory area.

Enforcement powers in these areas provide authorities with the ability to prohibit practices, products or equipment on an emergency basis where there is an immediate risk; to require improvements or changes to be made where appropriate; or to prosecute. Where activities are licensed, enforcement may take the form of removing or attaching conditions to the licence. None of these powers is used lightly. Most businesses want to comply with the law and local authority inspectors are encouraged to take an educational approach, only taking enforcement action where there is an immediate threat to address, or where a business simply refuses to comply in relation to a significant issue. Recent research has shown that businesses (especially small and medium sized enterprises) tend to value local authority inspections as a source of free advice and assistance. Nevertheless, enforcement powers are an essential backstop ensuring the majority of compliant businesses are not disadvantaged by unqualified or unscrupulous trades' people, and the advice tends to be acted upon.

The powers of inspection which local authority regulators have – and their knowledge of local businesses – combine with enforcement powers to put them in a key position in partnerships delivering public health. Striking a balance between education and enforcement is a job for individual

authorities, but an approach based on 'education first', with subsequent enforcement to deal with those businesses that continue to commit significant breaches, is not unusual.

What does this mean in terms of practical policies that impact upon the social determinants of health? In 2008, Liverpool PCT commissioned the city council's private housing team to undertake additional enforcement and inspection activity, combined with referrals to GPs and community health teams where appropriate. This programme recognised not only the impact of poor housing on life expectancy (a ten-year difference between the city's richest and poorest wards) but also that council inspectors were ideally placed to reach members of the community who might otherwise not be seen by GPs. While the council sought to work with businesses, it was made clear that enforcement had a role to play where landlords showed a disregard for their tenants' health. Prosecution in these sorts of cases also allows the majority of businesses to feel secure that they are not being undercut by rogue operators.

Health and safety is often seen as being simply about preventing accidents in the workplace, but health promotion is increasingly part of regulators' work. The Local Authorities Coordinators of Regulatory Services (LACORS) has worked with HSE to deliver a number of health campaigns, for example on dermatitis, stress and work-related violence, as well as ongoing local authority work on asbestos. Again these are typified by an educate-first approach where enforcement is a last resort and – arguably – an incentive to get educated.

Sometimes however it is appropriate to take immediate legal action, for example when food outlets are found to be posing a serious health risk.

The successful Smokefree England campaign provided an ideal example of how local authority regulators can deliver public health outcomes, and of the role of enforcement in that process. Enforcement action by local authorities has been minimal because widespread educational work by local authority inspectors in the lead-up to implementation of the smoking ban succeeded in achieving overwhelming levels of compliance. The professionalism of council environmental health officers and their existing links to local

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business were vital in this process. But where the law has been blatantly flouted – and where duty holders have faced intimidation when attempting to enforce it - enforcement has proved effective in preventing disregard for the law spreading. As tobacco policies move forward from Smokefree implementation, trading standards officers and environmental health officers will be using enforcement to tackle the residual problems in tobacco control – underage sales and illicit tobacco.

Further information on the contribution of regulatory services to public health can be found in the pamphlet, *Taking forward the health role of council regulators* (IDeA and LACORS 2009).

### **References and further reading**

IDeA and LACORS (2009), *Taking forward the health role of council regulators*: [www.idea.gov.uk/idk/core/page.do?pageld=13382088](http://www.idea.gov.uk/idk/core/page.do?pageld=13382088)

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[www.lacors.gov.uk](http://www.lacors.gov.uk)