

Forward look of upcoming changes expected to affect LA regulatory services in 2021/2022

The table has been developed by the Regulatory Services Task and Finish Group and sets out changes, developments (e.g. consultations) or updates to regulatory requirements that are due to happen in 2021/2022. The table organises these activities by the expected date of their implementation and includes additional information on the planned changes. We hope that this table will assist with forward planning over the next 12 months. This is a live document and will continue to be updated during the course of the year. **Please note that the timings in this table are indicative and may be subject to change.**

Forward Look 2021/22: Upcoming regulatory changes in 2021/2022

Timing	Planned change	Lead Government department	Further information and expected impact
May 2021	(SI 2021-616) The Food (Amendment and Transitional Provisions) (England) Regulations 2021	DEFRA	<p>This SI removes recognition clauses in certain national food compositional rules in England that exempted the EU (alongside EEA and Turkey) from compliance with our domestic rules covering products containing meat, fruit curds and mincemeat, spreadable fats and bread and flour. It also introduces a provision allowing the production and sale in – and import into – England of unfortified wheat flour provided that it is exported directly or used only in products destined for export.</p> <p>The only impact for LAs concerns initial familiarisation costs with the regulatory change. Additionally, there may be potential for enforcement action, however this is a decision LAs will need to make.</p>
July 2021	Roadmap Step four: From 19 July at the earliest, no limits on social contact, all larger events allowed, nightclubs reopen.		
July 2021	Expected 6-month review of The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020		
July 2021	Consultation on proposal for new 'Protect Duty' to protect public space from terror closes	HO	<p>No change to regulatory requirements at this stage. However the consultation sets out plans to introduce a law which will require owners and operators of public spaces and venues to put in place measures to keep the public safe from a terrorist attack, and seeks views on how this duty will be enforced. Further information can be found at gov.uk/government/news/government-proposes-duty-to-protect-public-spaces-from-terror</p>
July 2021	Regulation 4(3) and (4) of The Environmental Protection (Plastic Straws, Cotton Buds and Stirrers) (England) Regulations 2020	DEFRA	<p>This regulation prohibits the supply, or offer to supply, of drinks products with a single-use straw attached to the packaging of a drink product and intended to be used to consume that drink. This restriction of supply is subject to exemptions for medical purposes.</p> <p>Local authorities must publish guidance about their use of civil sanctions under these regulations. Central guidance has been provided by Defra for local authorities to use as a template.</p> <p>Enforcement officers will have powers to enter premises and examine and investigate, including taking measurements and photographs, and take possession of samples. Regulators are also able to impose a range of civil sanctions.</p>

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July 2021 – October 2021	All park home site owners must submit an application for a relevant person to be assessed as fit and proper person.	MHCLG	<p>Park home site licence holders will be required to apply to the local authority for themselves, or a person they have appointed to manage the site, to be included on a register of fit and proper persons.</p> <p>The local authority must consider certain mandatory criteria when determining the person's fitness to manage a site. They will also have the discretion to consider other matters that they determine to be relevant to the person's fitness, including their behaviour and that of their associates. After considering an application, a local authority will place the person on the register with or without conditions or reject the application.</p> <p>If an application is rejected (and the appeal route has been exhausted), the site owner will have to appoint a suitable alternative manager in order not to commit an offence. Where they are unable to appoint a manager, the local authority will, with the site owner's consent, be able to appoint a suitable fit and proper person to manage the site.</p> <p>Local authorities will publish an online register of fit and proper persons in their area. The register will indicate whether any conditions are attached to an entry and whether an application has been rejected for a particular site. Local authorities will be able to amend an existing condition, add a new condition or remove an existing entry on a register.</p> <p>Further guidance can be found here.</p>
July 2021 – April 2023 and beyond	Updated FSA advice on expectations for LA delivery of food law official controls	FSA	The FSA's current advice on prioritisation of food law official control activities during the pandemic expires at end June 2021. Updated advice in the form of a LA Recovery Plan, which will take effect from 1 July 2021 and run through to April 2023 and beyond, was issued in June 2021 and establishes the FSA's new expectations for this period. As lockdown restrictions are lifted, the advice focusses on re-starting the regulatory delivery system in line with the Food Law Codes of Practice for the highest risk establishments, while providing greater flexibility for lower risk establishments.
August 2021	Consultation on updated Best Practice Guidance to taxi and PHV licensing authorities	DfT	The current version of the Best Practice Guidance was published in 2010 and is being updated to reflect the changes in the sector since then. The consultation will enable licensing authorities, and other stakeholders, to provide their views on the refreshed guidance.

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<p>Summer 2021</p>	<p>Campaign to raise awareness of the need for food businesses to register with their local authority</p>	<p>FSA</p>	<p>The pandemic has seen a significant increase in the number of food businesses registering with their LA, with a large proportion of these being home-based businesses and/or those with a solely online presence. Despite this increase in registrations, we are concerned that there may be a significant number of new food businesses that have not registered, as legally required. It is important that LAs are aware of all food businesses operating in their area, to ensure they are doing so in compliance with food law, to protect consumers.</p> <p>Whilst this is likely to lead to an increase in businesses requiring LA intervention, we will be ensuring that the targeted communications to businesses will include useful information to support compliance from the outset, which should reduce the burden on LAs. We are also exploring other ways in which we can support LAs to prioritise their activities in relation to newly registered businesses.</p>
<p>Summer 2021</p>	<p>We Offer Testing To Our Staff (WOTTOS) Scheme</p>	<p>DHSC</p>	<p>The WOTTOS scheme is a simple and free voluntary promotional scheme currently for private sector firms who offer regular twice weekly testing to their staff under the T&T free workforce testing offer. Guidance can be found here.</p> <p>Moving forward, DHSC propose allowing all organisations participating in asymptomatic testing to participate in the scheme. This includes private and publicly funded testing across all organisations.</p>
<p>Summer 2021</p>	<p>Extension by 12 months of temporary pavement license provisions under the Business and Planning Act (2020)</p>	<p>MHCLG</p>	<p>Temporary pavement license provisions were introduced in the Business and Planning Act 2020 to create a temporary faster, cheaper, and more streamlined licencing regime in England for the placement of moveable furniture including tables and chairs on the pavement outside cafes, bars, restaurants and pubs. Under the temporary provisions the process for applying for a licence is capped at £100. Guidance can be found here.</p> <p>The Secretary of State is using the enabling power in the Business and Planning Act to extend the provisions by 12 months to be in place until 30 September 2022 to provide much needed income for businesses and to protect as many hospitality jobs as possible.</p> <p>These extension regulations do not automatically extend existing licences as these were granted on the basis that they would be in place for a specified period until 30 September 2021 or earlier. Businesses will need to apply for a new licence (after the regulations come into effect) if they wish to have one in place during the extended period from 30 September 2021, so that the application can be determined on the basis of the 2021 Regulations.</p>

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			<p>The main impact of extending these temporary provisions will be a likely continued high number of tables and chairs and associated furniture on the pavement. With the easing of lockdown restrictions creating a more opened up society, businesses and local authorities will need to take extra care when applying the pavement licence provisions to ensure national and local requirements are still being met. This includes the national conditions on smoke-free seating and the no-obstruction condition set out in the legislation, so that the highway remains accessible for all users. Local authorities may also wish to review any local conditions they have set in relation to access and safety, such as taking into account the impact of increased crowds, and latest national announcements relating to the easements in the Covid-19 reopening roadmap.</p> <p>An update to the pavement licence guidance will be published outlining further details for Local Authorities and businesses on how to maintain Covid-secure spaces, no-obstruction and smoke-free national conditions, how hospitality businesses can apply for a licence, and will set-out key determination, consultation and enforcement considerations.</p> <p>The existing consent regime under the Highways Act 1980 will continue to apply for any other structures.</p>
By end of 2021	Publish a New Tobacco Control Plan	DHSC	DHSC are developing a new plan. Policy options and considerations for regulatory reforms are currently with ministers for approval to support the plan. Any impact on LAs will be outlined at a later date.
By end of 2021	Post implementation reviews of Tobacco and Related Products Regulations 2016 and Standardised Packaging of Tobacco Products 2015	DHSC	Impact dependent on conclusion of the reviews. DHSC does not foresee any impact on LAs unless the reviews require any legislation amendments but they would have to be fully costed to do so and take several years to materialise.
October 2021	The Food Information (Amendment) (England) Regulations 2019 (Natasha's Law)	DEFRA/FSA	<p>New allergen labelling requirements will apply to a category of food called prepacked for direct sale (PPDS) from 1 October 2021. From this date, LAs will be expected to assess business compliance with these requirements in the course of their food official control activities and take appropriate action in response to any non-compliance.</p> <p>Trading standards officers will need to familiarise themselves with the new rules. It is estimated that each trading standards officer (TSO) will take 5 working days to read and familiarise themselves with the new rules. This is based on information gathered from local authorities, through the development of the impact assessment associated with the legislation. Guidance for TSOs and businesses has been available since Spring 2020, we anticipate this</p>

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			<p>familiarisation work will continue to happen up until October 2021. Further guidance can be found here: https://www.food.gov.uk/business-guidance/introduction-to-allergen-labelling-changes-ppds</p> <p>After October 2021 local authorities, who would typically already be undertaking enforcement visits to each business every 2 years, will need to extend the length of their visits to account for the enforcement of the new Natasha's Law labelling requirements. It is anticipated that visit times will extend by 60 minutes per visit on average.</p>
October 2021	<p>Port Health Authority (PHA) / Local Authority at authorised Border Control Posts (BCPs) implement pre-notification, certification and full documentary checks on all Products of Animal Origin (POAO) and certain Animal By-Products (ABP) and pre-notification requirements for High Risk Food Not of Animal Origin (HRFNAO).</p>	<p>DEFRA (bio security checks)</p> <p>FSA (Imported food safety)</p>	<p>Location specific activity (ports and borders) Impact on resourcing for PHAs. There will be impact on resourcing for PHAs. Funding has been provided by Defra to support this along with ongoing input.</p> <p>LA Requirement: If LAs have a point of entry that will accept Sanitary and Phytosanitary (SPS) goods, they will need to ensure that a BCP is in place. This might involve construction and staff recruitment.</p>
November 2021	<p>Amendment of Personal Protective Equipment at Work Regulations 1992</p>	<p>HSE</p>	<p>Amendment of duty holder responsibilities to apply to dependent workers not just direct employees. Most regulatory demand to be reactive and seen within the gig economy and other situations where self-employed individuals have a contractual arrangement that limit them to providing their services to a single duty holder.</p>
January 2022	<p>Port Health Authority (PHA) / Local Authority at authorised Border Control Posts (BCPs) implement full documentary checks on High Risk Food Not of Animal Origin (HRFNAO), and implement physical checks on Products Of Animal Origin (POAO), certain ABP, germinal products, and HRFNAO.</p> <p>Checks of high priority plants and plant products will move from places of destination to designated BCPs.</p> <p>Introduction of pre-notification requirements and documentary checks, including phytosanitary certificates, for low risk plants and plant products.</p>	<p>DEFRA (bio security checks)</p> <p>FSA (Imported food safety)</p>	<p>Location specific activity (ports and borders) Impact on resourcing for PHAs. There will be impact on resourcing for PHAs. Funding has been provided by Defra to support this along with ongoing input.</p> <p>LA Requirement: If LAs have a point of entry that will accept Sanitary and Phytosanitary (SPS) goods, they will need to ensure that a BCP is in place. This might involve construction and staff recruitment.</p>

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January 2022	Increase in premises allowances for temporary event notices	Home Office	Planned change to increase the allowance of temporary events notices (TENs) that a licensed premises can give from 15 to 20, and the maximum number of days on which temporary events may be held at such premises from 21 to 26. To be implemented in the calendar years 2022 and 2023.
First quarter 2022	Compulsory Cat Microchipping	DEFRA	<p>DEFRA has consulted on a proposal for compulsory microchipping of cats and will need to develop an appropriate enforcement regime to support introduction of this measure.</p> <p>This is likely to be consistent with the current requirements for dogs to be microchipped under the Microchipping of Dogs (England) Regulations 2015. In practice, it is expected that the enforcement burden will be significantly less for cats than dogs, given that cats are less likely to cause public nuisance/safety issues. Further information can be found here: https://www.gov.uk/government/news/cat-microchipping-consultation-launched</p>
March 2022	Port Health Authority / Local Authority at authorised BCPs will introduce live animal checks and checks on low risk plants and plant products	<p>DEFRA (bio security checks)</p> <p>FSA (Imported food safety)</p>	<p>Location specific activity (ports and borders)</p> <p>Impact on resourcing for PHAs. There will be impact on resourcing for PHAs. Funding has been provided by Defra to support this along with ongoing input.</p> <p>LA Requirement: If LAs have a point of entry that will accept Sanitary and Phytosanitary (SPS) goods, they will need to ensure that a BCP is in place. This might involve construction and staff recruitment.</p>
Other changes - implementation date to be determined			
<p>The following regulations are expected to be implemented in 2021/202. There date of implementation is currently to be determined.</p> <ul style="list-style-type: none"> • The Offensive Weapons Act (Home Office): The Offensive Weapons Act introduces prohibitions on the sale and delivery of corrosive products to under 18s and delivery to residential addresses; strengthens existing legislation to prohibit the delivery of bladed articles being sent to residential addresses after they are bought online, unless the seller has arrangements in place with the delivery company to ensure that the product would not be delivered into the hands of a person under 18; confers powers on Trading Standards to enforce new offences under the Act and existing offences relating to the sale, delivery etc of knives, corrosive products and other offensive weapons; and extends the Primary Authority scheme for Trading Standards authorities to these provisions relating to the age restricted sale and delivery of knives and corrosive products and offensive weapons. • Animal Welfare Legislation (DEFRA): There may be some additional impacts on LAs from animal welfare legislation being progressed by Defra (the Kept Animals bill is currently in passage through Parliament), however these are yet to be determined and date of implementation is likely to be in 2022. Impacts may be in the areas of primates as pets and zoo licensing but this is yet to be confirmed. 			

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- **Domestic private sector testing (DHSC):** Under The Health Protection (Coronavrius Testing Requirements and Standards) (England) Regulations 2020 under section 45C of the Public Health (Control of Disease) Act 1984 providers commit a criminal offence if they do not meet the minimum standard requirements for domestic private provider testing. Failure to meet the requirements results in criminal fine-based penalties for test providers, which increase incrementally for consecutive offences. To ensure that the consequences of failure to meet the additional minimum testing standards applies for travel, DHSC are planning to apply the existing general penalties system to travel testing. In principle, this should mirror the penalties and enforcement approach applied to general testing.
- **The Food (Promotion and Placement) (England) Regulations 2021 (DHSC):** These regulations provide for restrictions on promotions in retail stores (including online) of certain foods and drinks that are high in fat, salt or sugar (HFSS). The Regulations restrict promotions of HFSS/ "less healthy" products by volume price) in medium and large businesses (50 employees or more) and by key locations (store entrances, aisle ends and checkouts and their online equivalents) for stores over 185.8 square metres (2,000 square feet). Failure to comply with Regulations may result in a business being issued with an improvement notice and subsequently a fixed monetary penalty, if compliance is not achieved.