

BIRMINGHAM CITY COUNCIL

**REPORT OF THE ACTING DIRECTOR OF REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

18 APRIL 2018
ALL WARDS

REGULATION AND ENFORCEMENT SERVICE PLANS 2018/2019

1. Summary

- 1.1 This report presents the service planning process for the Regulation and Enforcement Division in terms of the Coroners and Mortuary, Environmental Health, Licensing, Registrars and Trading Standards services.
- 1.2 The resultant service plans for the period 2018/2019 in respect of Regulation and Enforcement are attached for your Committee's consideration and approval.
- 1.3 The service plans are strategic documents and as such reflect our response to corporate, national, regional and local priorities for those parts of the Regulation and Enforcement Services that report to your Committee as well as key performance data for those services.

2. Recommendation

- 2.1 That the Committee consider and approve the service plans as presented for 2018/2019, namely:
 - Appendix 1 Coroners and Mortuary
 - Appendix 2 Environmental Health
 - Appendix 3 Licensing
 - Appendix 4 Register Office
 - Appendix 5 Trading Standards

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3. Background

- 3.1 Each year your Committee receives the service plans in respect of the operational services within Regulation and Enforcement that are accountable to your Committee.
- 3.2 The purpose of the service plans is to set out how corporate, national, regional and local priorities identified for Regulation and Enforcement, together with stakeholders' requirements are to be achieved at a strategic level as well as identifying key performance data for those services.
- 3.3 The plans also provide information on the contextual background to Regulation and Enforcement and a current organisational assessment.

4. Regulation and Enforcement Division

- 4.1 Regulation and Enforcement is within the Place Directorate of the City Council. For the Place Directorate our aim is to make a positive difference every day to citizens lives and deliver an integrated approach to place management.
- 4.2 Within Regulation and Enforcement Our Mission Statement is - locally accountable and responsive fair regulation for all – achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.
- 4.3 As a workforce we work to the values of the City Council:
Put customers first - Be empathetic and respectful.
Act courageously - We lead, we manage and we tackle the difficult issues: everyday, everybody.
Be true to our word - We make promises and we keep them.
Achieve excellence - Get it right first time, every time.
- 4.4 Regulation and Enforcement provides an integrated range of services, a 'golden thread', throughout peoples' lives from cradle to grave, for example:
 - The Registrar's Service provides efficient registration of births.
 - Trading Standards ensure that the toys our children play with are safe.
 - Environmental Health and Health and Safety regulate standards in children's nurseries.
 - Environmental Health helps educate young people in relation to healthy eating and Health and Safety in the workplace to prepare them for adult life.
 - Trading Standards ensure that young people are protected from underage sales of tobacco, alcohol, fireworks, knives and solvents.
 - All services work through advice and assistance to members of the public and businesses which provide the conditions for economic growth in the business sector to ensure a fair and well regulated trading environment. This enables local and national economic growth.

- All services, through firm, fair and proportionate enforcement, ensure that members of the public and businesses are protected from those who seek to make profit at their expense – be it by removing counterfeit goods from the market place, prosecuting unlicensed ‘taxis’ or by tackling those who do not adequately protect people in the workplace.
- Environmental Health ensures that everyone’s wellbeing is protected, for example, through inspection of food premises, monitoring air pollution levels and acting against those that threaten health.
- The Waste Enforcement Unit tackle issues relating to Littering, Flytipping, placarding and graffiti which impact adversely on people’s quality of life and the vibrancy of our neighbourhoods.
- The Licensing Service ensures that premises selling alcohol or where regulated entertainment is carried on are properly licensed as are hackney carriage, private hire drivers and those operating such businesses in the city assuring public safety throughout.
- The Registrar’s Service enables marriages and civil partnerships to take place in the City and welcome new citizens through regular citizenship ceremonies.
- The vulnerable, for example, older citizens are protected from rogue builders and those in care homes are protected from identified hazards including scalding and accidents.
- At the end of life, the Coroners and Mortuary and Registrars services provide valued caring, empathetic and efficient services to help provide closure for bereaved families assuring that dignity is maintained throughout for the deceased.

4.5 Regulation and Enforcement’s impacts are felt nationally, regionally, locally and individually, for example:

- At a national level, our services are represented on Government and national bodies to influence the direction of legislation to protect our citizens and economic interests. We also host the England Illegal Money Lending Team.
- Regionally services work with other local authorities to address cross boundary issues. We work in the Greater Birmingham and Solihull Local Enterprise Partnership (LEP) to assist in the economic growth of the region and our services also work within the Central England Trading Standards Authorities (CENTSA) on joint activity across the seven West Midlands local authorities and the seven adjoining County authorities.
- We work to deliver our services at a local level in a manner responsive to the needs of the community, for example, the setting up of no cold calling zones in areas of high distraction burglaries etc.
- Regulation and Enforcement work in partnership at a local level with many organisations in the private, public and voluntary sectors, contributing significantly to enable those organisations to achieve their respective strategic objectives, this includes the Police and Fire

Service through to Business Improvement Districts and local volunteering groups.

- Much of our service provision is driven by the needs of individuals who approach us for assistance, either in the form of requests for assistance (complaints), service requests or licence applications.
- We are an important partner in the delivery and promotion of the health agenda working closely with Public Health colleagues.

4.6 Regulation and Enforcement – Legislative Framework

As an enforcement body Regulation and Enforcement is itself regulated both in terms of the legislation that is enforced on behalf of your Committee (over 130 Acts of Parliament and many more regulations and Orders) and through specific legislation which governs all investigative activities such as the Police and Criminal Evidence 1984 Act (PACE) and the Regulation of Investigatory Powers 2000 Act (RIPA).

The complex requirements on Regulation and Enforcement in relation to investigating offences, gathering evidence, preparing and presenting cases at Magistrates and Crown Courts are the same as those applied to the Police. This requires our officers to be suitably qualified and competent to investigate offences and prepare prosecution reports to ensure that at Court the required burden of proof (beyond all reasonable doubt) is met and offenders successfully prosecuted. Any failure of our prosecutions would leave us open to accusations of wasting resources, adverse publicity and the possibility of paying compensation.

Prosecution is the last resort in relation to dealing with non-compliance. Our published Enforcement Policy, which complies with the Code for Crown Prosecutors and Regulators Compliance Code, details how we attempt to achieve compliance with legislation. We advise businesses on how to comply, we assist them in establishing mechanisms to comply, we issue Notices requiring compliance and only as a last resort do we use the Courts. We also use prevention methods to protect businesses' economic interests. The removal of counterfeit goods prevents losses to legitimate businesses, promotes real economic growth and deter future offences.

We operate within the legislative framework that applies to all public bodies including freedom of information legislation, the duty to involve and legislation dealing with equality, diversity and discrimination.

To ensure that we achieve the high standards that are required to meet this level of excellence in enforcement, Regulation and Enforcement operates a robust set of policies and procedures within the accredited quality management system.

Intelligence led enforcement leading to well regulated manufacturing, retail and service sectors creates the environment to benefit the city's economic prosperity and its citizens' wellbeing.

Regulation and Enforcement will continue to maximise the impact of our powers as delegated and build upon the opportunities associated to general power of competence in the Localism Act 2011.

The Registration Service is governed by the Registrar General's Regulations and Instructions and we are committed to delivering our services to the highest standards consistent with the requirements of the City Council and the Registrar General.

5. Service Plans 2018/2019

- 5.1 The service plans of the individual service areas within Regulation and Enforcement, attached at Appendices 1-5, detail the services that are provided together with outcomes, measures and targets in respect of the specific services to be delivered in 2018/2019. They also set out the significant numbers of interactions that Regulation and Enforcement have with businesses and members of the public during the year.
- 5.2 Each service plan demonstrates how it represents improvements in the services to be delivered. The plans also include details of the resources available to deliver the planned services.
- 5.3 Regulation and Enforcement retains Investors in People accreditation and, for some services, ISO 9000 accreditation provides further assurance and independent assessment of the quality of services delivered.
- 5.4 Over the year ahead Regulation and Enforcement will continue to work with partners on key issues to maximise the use of our resources to deliver the best outcomes for Birmingham, this is detailed in the individual service plans.

6. Consultation

- 6.1 The service plans presented reflect the decisions taken through the Service Review process and the future council workstreams and all the plans relate directly to the Council's priorities.
- 6.2 This report consolidates many different projects and activities. Where consultation is required or appropriate this will be undertaken separately.

7. Implications for Resources

- 7.1 The Regulation and Enforcement service plan commitments are designed to be accommodated within the resources currently available to your Committee.
- 7.2 In relation to your Committee these include externally provided ring fenced funding, including:

- The Illegal Money Lending Project is funded through the Department for Business Innovation and Skills.
 - The Regional Investigations team is funded through National Trading Standards.
 - Contaminated Land assessment and remediation works are funded by the Department for the Environmental Food and Rural Affairs.
- 7.3 The majority of the services within Licensing are funded through licence fees which are ring fenced by legislation in compliance with the EU Services Directive.
- 7.4 The savings for 2018/2019 are reflected in the budget set for the Committee.
8. Implications for Policy Priorities
- 8.1 Service plans flow from the Council Plan and other national and corporate priorities.
9. Implications for Equality and Diversity
- 9.1 The consideration of equality and diversity is fundamental to service planning arrangements.
- 9.2 This report consolidates many different projects and activities. The need to carry out an equality impact assessment will be assessed for each one.

ACTING DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: nil