

**BIRMINGHAM CITY COUNCIL**

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

**18 NOVEMBER 2022**  
**ALL WARDS**

**REGULATING THE COMMONWEALTH GAMES 2022**

1. Summary
  - 1.1 This report provides a resume of the activities that took place in regulating the Commonwealth Games, which took place in late July and early August 2022.
  - 1.2 The purpose of this report is to provide the Committee with information about the scope of the work and the contribution to the legacy from the activities.
2. Recommendation
  - 2.1 That the content of the report be noted.

Originating Officer: Paul Lankester,  
Former Interim Director Regulation & Enforcement

Contact Officer Sajeela Naseer  
Director of Regulation and Enforcement  
Telephone: 0121 675 2495  
E-mail: Sajeela.naseer@birmingham.gov.uk

### 3.0 Background

- 3.1 The Committee has received two presentations at previous meetings about the nature of the work carried out in preparation for the regulation of the Commonwealth Games. The work not only involved the preparations in relation to the enforcement activities that may be required, but also the co-ordination of the activities of all venue authorities impacted by the provisions of the Birmingham Commonwealth Games Act 2022.
- 3.2 Preparations over the course of the last three years included the planning of activities, the co-ordination of various national and local regulatory organisations, the use of identified budget, adoption of a revised enforcement policy for the duration of the Games, the provision of mutual aid between host council's and implementing joint teams of enforcement officers. The full range of activities are set out in Appendix 1 to this report.

### 4. Consultation

- 4.1 No public consultation has taken place, as this is an information report.

### 5. Implications for Resources

- 5.1 The Regulation and Enforcement Division agreed budget requirements, which amounted to £678,000. Of which £92,000 was earmarked in 2021/22 and £586,000 in 2022/23. This sum remained within the City Council's allocation to the Commonwealth Games City Readiness budget, against which costs were recorded.

### 6. Implications for Policy Priorities

- 6.1 None

### 7. Public Sector Equality Duty

- 7.1 No further equality issues have been identified, as all enforcement activities are carried in accordance with the adopted enforcement policy, which was the subject of an equalities impact assessment.

## **DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers: Nil

## **THE REGULATION OF THE COMMONWEALTH GAMES 2022**

### **Introduction**

This report outlines the actions taken and issues encountered during the Birmingham Commonwealth Games

The report is divided into preparations for the Games and activities during the Games. The final section deals with potential legacy issues, learning from the experience and potential recommendations for any future major events.

### **Preparing for the Games**

In normal circumstances there is eight years notice for the host city for the Commonwealth Games. Due to Durban being unable to fulfil the requirement to be the host City, Birmingham bid for and won the right to host the Games in 2022. This shortened the preparation time by half. Preparations were further hampered in 2020 by the emergence of the Covid pandemic and subsequent lockdowns.

The City Council was actively involved in liaising with the Central Government through the Department for Culture, Media and Sport (DCMS), who were the lead Department for drafting the legislation that regulated activities around Games venues and brand protection for sponsors of the Games. The City Council were able to influence the drafting of the legislation.

While legislation was modelled on previous major sporting events (Commonwealth Games in Manchester and Glasgow and the Olympic Games 2012) there were differences in the legislation. For instance, regulatory arrangements are different in Scotland and relevant legislation has been altered in the time since those events. One aspect omitted was the exemption from the Sunday Trading Act 1994 that was used during the Olympic Games.

Legislation that had emerged in the intervening period since 2014 included the food standards controls relating to the production and sale of food containing specified allergens. This became a specific activity for the service during the Games, to ensure proper labelling to ensure those with allergies are properly informed.

During the latter part of 2019 an action plan was developed and shared and agreed in principle with partner regulators. Actions such as the potential for using the same software, joint training, sharing of relevant policies and production of standard operating processes were identified. Contingency was built into the plan so that if target times for delivery of key aspects of the programme were not met, the situation could be recovered without detriment to the preparations.

### **Joint Authorities Regulatory Service**

Learning from the way regulatory activities were undertaken during the Glasgow Games and the London Olympics, it was decided early on that the regulatory activities would be best served by adopting a co-ordinated approach to enforcement and use of

resources by the venue authorities. A partnership called the Joint Authorities Regulatory Service (JARS) was developed and endorsed by all authorities. Participants in the work included all local authorities impacted by the Games, the Health & Safety Executive (HSE), Business Enterprise and Industrial Strategy Department (BEIS, Central Government), the UK Health Security Agency (UKHSA), West Midlands Police and West Midlands Fire Service. The City Council's Legal Services and City Readiness Team also attended the meetings.

The City Council's Regulation and Enforcement Division entered into a Memorandum of Understanding with the HSE, which provided clarity to the enforcement responsibilities and improved the joint working.

JARS meetings were held monthly, one month with the Organising Committee (OC) and one month without. The OC were an enforcement authority in relation to brand protection under the Commonwealth Games Act, as were JARS members for other matters.

Issues resolved by JARS included:-

- Enforcement Policy during the Games
- The work of the national regulators and agencies in relation to the Games
- The approach to mutual aid between councils
- Resource planning for the Games
- Use of Enforcement Intelligence Databases
- The arrangements for accreditation of staff at venues
- Comments on other issues raised by the OC and DCMS.

As the preparations for the Games continued, the coordination of activities improved, and the joint working became more effective. At the final meeting of the partnership each attending venue authority were able to provide assurance of their preparations and confirm their ability to meet the statutory duties required by the Commonwealth Games Act and supporting regulations.

### **The City Council's Approach**

The Birmingham Commonwealth Games Act 2020 introduced a duty for the City Council to enforce the advertising and trading controls around each venue in a designated area. This was supplemented by additional responsibilities to inform traders and businesses of the provisions and to take action where there was a breach of the provisions- essentially the matters were designed to protect the Commonwealth Games 'brand' and the rights of the main sponsors.

The approach developed to inform traders was a 'three step' one. This entailed writing to all traders in the areas around venues in February/ March 2022, then again in April /May and finally a visit to traders in mid to late June 2022. This enabled traders to make an application to the OC for authorisation to undertake any of the regulated activities. The City Council also made known consented street traders aware of the provisions so they would not inadvertently breach the controls. Buskers were also unable to operate without OC authorisation.

The City Council's approach elicited applications for authorisation, but it was clear the most applications for authorisation resulted from the third step, personal visits.

The Games required a number of licence applications and involved the use of sites designated in respect of the Safety at Sports Grounds Act 1975 as amended. Part of the groundwork put in place for the Games was a review of the existing safety advisory groups (SAG) and transfer of the regulatory arrangements to the Regulation and Enforcement Division.

Each venue, the marathon and the live/festival sites had an individual SAG, which initially were managed through in-house resources. After an initial review of the SAGs it was decided to operate all SAGs involving the OC through an alternative arrangement. This involved bringing in specialised people through a private company and the appointment of an independent chair through mutual aid with the London Borough of Haringey. This Chair and the other person had particular experience of the London Olympics. This arrangement strengthened the arrangements in place and helped to ensure the necessary expertise was available particularly given the new facility at the Alexander Stadium.

Early into the Games preparations it was decided that the City Council would apply for the Alexander Stadium to become a designated sports ground under the terms of the legislation. This designation was approved by the Secretary of State in early 2022.

The City Council had six venues (the Alexander Stadium, Sutton Park, Smithfield, University of Birmingham, Edgbaston and the Indoor Arena), the marathon and the live/festival sites. To optimise the available resource and operational activity the sites were divided into three clusters, the Alexander Stadium and Sutton Park, Edgbaston and University of Birmingham and thirdly the City Centre covering all other sites and the marathon. All sites were operated by the OC for the duration of the Games.

For two days prior to and during the Games shifts were put in place that allocated resources one hour prior to until one hour after the end of a sporting session at the site. To supplement this the Division also provided a senior manager at the City Council's Co-ordinating Centre (BC4).

In each cluster a cross service team of trading standards, environmental health and licensing staff worked together at all times. The 'team' approach proved very successful with services helping each other to deal with issues on site as they arose.

Learning from the approach used during the pandemic, the resourcing model incorporated the use of the enforcement wardens who became the eyes on the ground to try and resolve issues before the need for enforcement action.

## **Business Continuity**

The work for the City Council was planned on the basis that not only would the Commonwealth Games activities be undertaken but business as usual would also be covered. This included inspections of food premises and dealing with service requests. This pool of staff was also available if major issues with the Games required additional resource.

Two weeks prior to the Games there was an increase in Covid 19 cases. As a precaution the service entered into a contract with an agency to provide up to 15

enforcement wardens. This provided cover not only for the City Council but other authorities too.

As mentioned above five authorities entered into a mutual aid agreement. This enabled the sharing of resources as required. Birmingham provided staffing during the Games to Sandwell and Solihull.

### **Issues Before and During the Games**

There were many issues that arose during the Commonwealth Games that required intervention through partnership responses and/or enforcement action. These included:-

- Design and structural issues with designated stadia (the Alexander Stadium and Edgbaston);
- Structural issues with temporary stands at Smithfield;
- Access and egress issues at the Birmingham Arena;
- Unauthorised street trading in controlled zones;
- Unauthorised peddling in controlled areas;
- Unauthorised busking in controlled zones;
- Unauthorised catering activities on properties in controlled zones;
- Unauthorised advertising creating association with the Commonwealth Games;
- Products being given out at the Opening Ceremony that did not comply with the Toy Safety Regulations;
- Structural issues with the egress ramp outside the Games superstore at Centenary Square;
- Unsatisfactory food premises requiring closure;
- Disturbance caused by activities at the venues.

All issues were investigated at the time, with warnings being given on a first occasion of an offence being noticed. Subsequent to that evidence was taken and/or seizures of stock made to ensue compliance with the law. In two cases food premises were closed as a result of the standards being practised.

The potentially serious issue with products being given out at the Opening Ceremony that did not comply with the Toy Safety Regulations was actioned immediately and faulty products removed from the venue prior to the opening ceremony. Negotiations took place to ensure compliance with replacement products and a warning notice in time for the closing ceremony.

No formal complaints were received about the actions of officers during the Games.

### **Legacy from the Commonwealth Games**

The legacy identified prior to the Games was as follows:-

1. Improved capacity through training of officers;
2. Improved joint working across the West Midlands;
3. Potential for closer working between venue authorities after the Games;
4. Sharing of knowledge with other authorities from the holding of the Commonwealth Games

The first two matters have been achieved but it is too early to state whether the latter two will be achieved.

One benefit not previously identified was the much-improved working between the services in Regulation and Enforcement. This manifested itself in the joint enforcement support provided by services to each other as needed. Senior management are seeking to continue this joint working into the future.

**Paul Lankester**  
**Former Interim Director Regulation and Enforcement**