

## **BIRMINGHAM CITY COUNCIL**

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

**15 MAY 2019**  
**ALL WARDS**

#### **REGULATION AND ENFORCEMENT BUSINESS PLANS 2019/23**

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, the Registration Service and Trading Standards services.
- 1.2 The resultant service plans for the period 2019/23 in respect of Regulation and Enforcement are attached for your Committee's consideration and approval.
- 1.3 The business 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.

2. **Recommendation**

- 2.1 That the Committee consider and approve the service plans as presented for 2019/23, namely:
  - Appendix 1 Coroners and Mortuary
  - Appendix 2 Environmental Health
  - Appendix 3 Licensing
  - Appendix 4 Registration Service
  - Appendix 5 Trading Standards

Contact Officer: Steve Hollingworth,  
Assistant Director of Regulation and Enforcement  
Telephone: 0121 464 8640  
Email: [steve.hollingworth@birmingham.gov.uk](mailto:steve.hollingworth@birmingham.gov.uk)

### 3. Background

- 3.1 Each year your Committee receives the business plans in respect of the operational services within Regulation and Enforcement that are accountable to your Committee.
- 3.2 The purpose of the business 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.

### 4. Regulation and Enforcement Division

- 4.1 Regulation and Enforcement is within the Neighbourhoods Directorate of the City Council. For the Neighbourhoods 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:
  - **We put citizens first:** We are empathetic and respectful in everything we do
  - **We are true to our word:** When we make promises we keep them
  - **We act courageously:** We lead, we manage and we tackle the difficult issues: every day, every one of us
  - **We achieve excellence:** We get things 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 Registration Service provides efficient registration of births.
  - Trading Standards ensure that the toys our children play with are safe.
  - 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 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 Pest Control Service protects public health by reducing the number of pests.
- The Registration 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.
- At the end of life, the Coroners and Mortuary and Registration Service 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 work has an impact nationally, regionally, locally and individually, for example:

- 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 and the Central England Trading Standards Regional Investigations Team.
- Regionally, services work with other local authorities to address cross boundary issues and we work with other agencies such as the West Midlands Police, Office of the Police and Crime Commissioner and West Midlands Combined Authority. We are also a member of the Central England Trading Standards Authority (CenTSA).
- We work to deliver our services at a local level in a manner responsive to the needs of the community, for example, the no cold calling zones in areas of high distraction burglaries and delivering the services at the point of need.
- 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 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 Magistrate's 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 often 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. We also use prevention methods to protect businesses' economic interests.

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 are required to meet this level of excellence in enforcement, Regulation and Enforcement operates a robust set of policies and procedures within the 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 afforded by Civil sanctions.

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.

The Coroners and Justice Act 2009 places a statutory duty on the City Council to appoint and pay a Senior Coroner and where appropriate an Area

Coroner together with self-employed Assistant Coroners to discharge the functions of the Coroner.

The statutory duties on the city council under the Public Health Act 1936 include:

- The provision of a mortuary for the reception and storage of bodies of people who have died in Birmingham and Solihull where the Senior Coroner orders a Post Mortem.
- Additionally the Human Tissue Act 2004 regulates how Post Mortems are conducted and the security of the bodies and associated tissues.

## 5. Business Plans 2019/2023

- 5.1 The business 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 2019/2023. They also illustrate the significant numbers of interactions that Regulation and Enforcement have with businesses and members of the public during the year.
- 5.2 Each business plan sets out the priorities for the services to be delivered. The plans also include details of future year's savings to be delivered by the planned services.
- 5.3 Regulation and Enforcement retains ISO 9000 accreditation for Trading Standards and licensing, which provides further assurance and independent assessment of the quality of services delivered.
- 5.4 Over the years 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.

## 6. Consultation

- 6.1 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 business 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 England Illegal Money Lending Team is funded by HM Treasury.

- The Regional Investigations team is funded through Department for Business, Energy and Industrial Strategy.
- 7.3 Almost all 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 2019/2023 are reflected in the budget set for the Committee.
8. Implications for Policy Priorities
- 8.1 Business plans reflect the Council Plan and other national and corporate priorities.
9. Public Sector Equality Duty
- 9.1 The consideration of the Public Sector Equality Duty is fundamental to business planning arrangements.
- 9.2 This report consolidates many different projects and activities. The need to carry out an equality assessment will be considered for each one.

## **ASSISTANT DIRECTOR OF REGULATION AND ENFORCEMENT**

Background Papers:

LICENSING AND PUBLIC PROTECTION – REVENUE BUDGET 2019/20