

Cabinet – 25 April 2018

Regulatory Services Enforcement Policy

Portfolio: Councillor Ian Shires Communities Leisure and Culture

Related portfolios: Councillor Lee Jeavons Regeneration
Councillor Chris Jones Clean and Green

Service: Regulatory Services

Wards: All

Key decision: No

Forward plan: No

1. Summary

When making decisions about enforcement action to be taken where individuals or businesses have breached a legal requirement, it is important that those decisions are appropriate, proportionate and rational and based on sound evidence. The attached enforcement policy, which has been developed by the four Black Country Local Authorities as part of the Better Business for All programme, provides a rational basis to guide that decision making process.

2. Recommendations

- 2.1 That the enforcement policy for Regulatory Services is adopted.
- 2.2 That the authority to make minor and administrative amendments to the policy is delegated to the Director of public Health.

3. Report detail

- 3.1 Regulatory Services in Walsall, includes Environmental Health, Trading Standards, Community Protection and certain Licensing functions. The licensing functions which are within scope are primarily in relation to the Hackney Carriage and Private Hire trades, the Licensing Act 2003, the Gambling Act 2005, street trading, street collections and house to house collections, the Scrap Metal Dealers Act 2013, sex establishments and sex entertainment venues. They are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities, including promoting economic growth and employment opportunities.
- 3.2 Key to supporting these objectives is a regulatory regime that balances support and enforcement. Providing advice that supports businesses to thrive and grow through all stages of the business lifecycle, whilst targeting formal enforcement

actions at those businesses that breach the legislation contrary to our local needs and priorities and obtaining an unfair competitive advantage plays an important role in the local economy.

- 3.3 Similarly, residents and communities thrive best when they can enjoy the highest standards of local amenities and benefit from high levels of consumer protection.
- 3.3 It is recognised by each of the Authorities, as well as by national government, that business often operates on a wider basis than a single Authority. Following initiatives, such as “Better Business For All” and working with the Black Country Local Enterprise Partnership (LEP), it is recognised that businesses and communities alike thrive and are supported by providing consistency and certainty as far as possible. Therefore, the four authorities have developed a single enforcement policy.
- 3.4 When making decisions about enforcement action, it is important that the law is enforced in a fair, equitable and consistent manner. Good enforcement focuses on prevention of problems as well as dealing with breaches of the legislation as well as supporting business and residents in meeting their obligations. However, it is important that where the law is breached, appropriate and proportionate action is taken.
- 3.5 The enforcement policy is part of a wider Joint Black Country Regulators Operating Framework which has been developed through the Black Country LEP to improve business understanding of the role of regulatory authorities and their ability to support business by providing guidance and advice. The other elements of the framework do not need to be formally adopted but they are attached as appendix 2 for information.

4. Council Corporate Plan priorities

- 4.1 The policy indirectly supports most of the priorities and outcomes identified in the corporate plan, but in particular, it most directly supports the following:

Economic Growth

E1 An infrastructure and business environment that supports job creation and accessibility throughout Walsall, supporting company expansion, relocation and competitiveness through sustainable job creation. It is well recognised that good regulation supports business through all stages of development and its growth cycle. Customers and clients have confidence in the business. Good business needs to be protected from the unfair competition that is resultant when competitors ignore legislation and flout the rules.

People

P4 The most vulnerable are protected from avoidable harm, including treating and caring for people in a safe environment. Vulnerable residents need to be protected from businesses and other citizens who would seek to prey on their vulnerability. All citizens, including the most vulnerable members of our society thrive in clean, safe environments which are pleasant places in which to live and work.

Internal Focus

I2 A Resilient Council. A robust enforcement policy provides resilience to the authority in its decision making and reduces the risks associated with a challenge in court in connection with prosecutions and decisions.

Children

Ch5 Young People are prevented from entering the criminal justice system. The enforcement policy ensures appropriate regard is made of many circumstances of a case, including the age of alleged offenders.

Communities

Co1 Enable access and use of green spaces to improve health and wellbeing and reduce social isolation. The work of regulatory services includes enforcement of legislation relating to the cleanliness, safety and accessibility of open spaces, making the borough a pleasant and safe place in which to work and live.

5. Risk management

The enforcement policy enables sound decisions to be made in relation to action taken following breaches of legislation and minimises the reputational and financial risks associated with losing a prosecution case or other legal challenge.

6. Financial implications

There is no direct spend associated with this report. Having a policy minimises the risk of the financial implications associated with an award of costs against the Authority in the event that a prosecution case is lost or as a result of other legal challenge.

7. Legal implications

An enforcement policy minimises the risks of losing a prosecution case in court and of legal challenge to its decisions.

8. Procurement implications/Social Value

There is no procurement associated with this report.

9. Property implications

There are no property implications associated with this report.

10. Health and wellbeing implications

The enforcement policy enables sound decisions to be made regarding action to be taken when there are breaches of the legislation, ensuring a safe environment in which citizens can live, work and visit.

11. Staffing implications

The enforcement policy provides guidance to officers in their decision making processes.

12. Reducing inequalities

The implications for reducing inequalities have been taken into account and assessed as set out below.

The enforcement policy ensures that decisions are proportionate and based on evidence with all the facts of a case being taken into consideration.

13. Consultation

The policy has been developed in partnership with the Black Country Local Enterprise Partnership and the draft was made available to business and the public for consultation. Legal Services have been involved in the development of the policy.

Background papers

The Black Country Regulatory Services Enforcement Policy is attached as appendix 1.

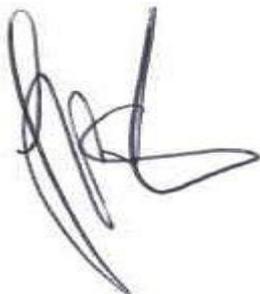
The Black Country Regulators Operating Framework is attached as appendix 2.

Author

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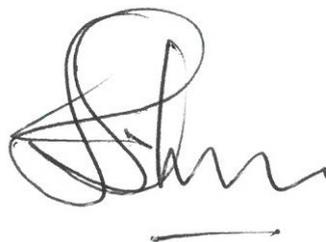
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Simon Neilson
Executive Director

17 April 2018



Councillor Shires
Portfolio holder Communities Leisure and Culture

17 April 2018

Black Country Local Authorities Enforcement Policy

Joint Statement of the Chief Executives

The four local Authorities in the Black Country are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities. They are responsible for promoting economic growth and employment opportunities.

Key to supporting these objectives is a regulatory regime that balances support and enforcement. Providing advice that supports businesses to thrive and grow through all stages of the business lifecycle, whilst targeting formal enforcement actions at those businesses that breach the legislation contrary to our local needs and priorities and obtaining an unfair competitive advantage.

Similarly, residents and communities thrive best when they can enjoy the highest standards of local amenities and benefit from high levels of consumer protection.

It is recognised by each of the Authorities, as well as by national government, that business often operates on a wider basis than a single Authority. Following initiatives, such as "Better Business For All" and working with the Black Country Local Enterprise Partnership, it is recognised that businesses and communities alike thrive and are supported by providing consistency and certainty as far as possible. Therefore, the four authorities have developed a single enforcement policy

The Black Country's regulatory focus, through its various compliance and consenting activities and functions, is based around four central principles:

- We will ensure that we enforce the law in a fair, equitable and consistent manner
- We will work to assist businesses and others in meeting their legal obligations
- Our focus will be on prevention rather than cure, where appropriate.
- We will take action against those who breach the law or act irresponsibly

This Policy has been developed in conjunction with key stakeholders, including local business and enforcement partners

Enforcement Policy For Dudley Council, Sandwell Council, City of Wolverhampton Council and Walsall Council

A. Principles of Good Regulation

The Legislative and Regulatory Reform Act 2006, Part 2, requires the authorities named above to have regard to the Principles of Good Regulation when exercising a specified regulatory function¹. For local authorities, the specified functions include those carried out by the services referenced in Annex 1.

We will exercise our regulatory activities in a way which is:

- (i) Proportionate – the Regulators’ Code promotes proportionate regulatory activity, which includes taking appropriate action where non-compliance is identified. The Public Interest Stage contained in the Code for Crown Prosecutors and can be accessed at http://www.cps.gov.uk/publications/code_for_crown_prosecutors/ will always be considered when determining whether it is right to prosecute. Our activities will reflect the impact of the offending on those living in, working in and visiting the area and enforcement action taken will relate to the seriousness of the offence.
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in a consistent manner.
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities and intelligence.

B. Regulators’ Code

The Regulators’ Code has been a central part of the Governments’ better regulation principles for some time now. Its aim is to embed a risk based, proportionate and targeted approach to regulatory inspection and enforcement

The authorities and services have had regard to the Regulators’ Code in the preparation of this policy. In certain instances we may conclude that a provision in the Code is either not relevant, is outweighed by another provision or does not legally apply to some aspects of regulatory activity. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

The Regulators’ Code can be accessed at <https://www.gov.uk/government/publications/regulators-code>

C. The Code for Crown Prosecutors

¹ Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at www.legislation.gov.uk

When deciding whether to prosecute the authorities have regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, each Authority will consider what evidence can be used in court and is reliable. They must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender for each offence

- b. Public Interest Test - is it in the public interest for the case to be brought to court?

Each Authority will balance factors for and against prosecution carefully and fairly, considering each case on its merits. Before deciding that prosecution is appropriate each Authority will consider the matters which, in the opinion of the Authority, are relevant and will have regard to the public interest. Their decision will reflect the impact of the offending on those living and working in the Boroughs.

D. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

E. Conduct of Investigations and Sanctions

All investigations will be carried out under the following legislation and in accordance with statutory powers and controls and any associated guidance or codes of practice, in so far as they relate to the Authorities :

- [the Police and Criminal Evidence Act 1984](#)
- [the Criminal Procedure and Investigations Act 1996](#)
- [the Regulation of Investigatory Powers Act 2000](#)
- [the Criminal Justice and Police Act 2001](#)
- [the Human Rights Act 1998](#)
- [The Protection of Freedoms Act 2012 \(Code of Practice for Powers of Entry and Description of Relevant Persons\) Order 2015](#)
- [Data Protection Act 1998](#)
- [Consumer Rights Act 2015](#)
- [Any other legislation which may be enforced](#)

Breaches of legislation found in premises owned or run by the Local Authority will be treated in accordance with this policy as would a breach in other businesses. In addition, details of the breach will be brought to the attention of the appropriate head of service and/or director.

i. Compliance Advice, Guidance and Support

The Authorities use compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution') will set out what should be done to rectify the breach and to prevent re-occurrence. We will always make it clear what is a legal requirement and what is best practice. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Authorities recognise that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and the Authorities will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, the Authorities recognise that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

ii. Voluntary Undertakings

The Authorities may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. The Authorities will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

iii. Statutory (Legal) Notices

In respect of many breaches the Authorities have powers to issue statutory notices. These include but are not limited to: 'Abatement Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default, the costs of which may be recovered at a later date.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

iv. Financial penalties

The Authorities have powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, the relevant Authority may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach the relevant Authority will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches. If fixed penalty notices are available, it is the discretion of each Authority to opt to issue a fixed penalty notice. In some circumstances, in particular where breaches are

serious or recurrent, it may be that prosecution is considered more appropriate than the issue of a fixed penalty notice.

v. Injunctive Actions, Enforcement Orders etc.

In some circumstances an Authority may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

Authorities are required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Authorities will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

vi. Simple Caution

The Authorities have the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Authority is likely to consider prosecution. A simple caution will appear on the offender's criminal record. It is likely to influence how the Authority and others deal with any similar breaches in the future, and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

vii. Prosecution

Where the circumstances warrant it and the alternative actions detailed previously in this policy are considered inappropriate, then prosecution may result. Any decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors and in consultation with the Council's legal services.

The criteria to be considered will include where relevant: -

- a) The nature of the alleged offence;
- b) Where appropriate, the previous history of the party concerned;
- c) The likelihood of a successful prosecution;
- d) The availability and quality of evidence and of any witnesses and their willingness to co-operate;
- e) The public benefit from prosecution and the significance of the case;

Each Authority may prosecute without prior warning or recourse to alternative sanctions where the circumstances warrant it and the evidence to support the case is available.

Prosecution will only be considered where the relevant Authority is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s). Due consideration will be given to the availability and compliance with any relevant statutory defence.

Before deciding that prosecution is appropriate, the relevant Authority will consider all relevant circumstances carefully and will have regard to the public interest and, where appropriate, the views of any victim, injured party or other relevant person or impact on the community.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any assets or profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

viii. Refusal/Suspension/Revocation of Licences

The Authorities issue a number of licences and permits and also have a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment. A review of a licence may be considered in addition to or as an alternative to any other action.

When considering future licence applications, each Authority may take previous breaches and enforcement action into account.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

Subject to the needs of an investigation, officers will notify the individuals or business that they are subject to investigation as soon as is reasonably practicable. The Authorities will endeavour to make timely decisions about the progress of the investigation and decisions on the most appropriate action. The person or business subject to any investigation will be informed of the outcome.

F. Complaints and Appeals

Where any enforcement action is conducted under legislations which contains a specific appeals procedure, you will be advised of that procedure at the required time.

Should there be any concerns or complaints about the actions of any authorised officers of the relevant Authorities, then these should be made in the first instance to the manager of the service or team in question. If the matter is not resolved at this stage, each Authority has a formal complaints procedure which should then be followed. Details of how to make a formal complaint to each Authority can be found at Annex 2

G. Equal Opportunities

The Authorities are committed to delivering their operational activities in accordance with Equal Opportunities Policies and the regions commitment to Equalities. Officers are also committed to work flexibly to meet service users' needs as far as practicable, particularly where those users are from a disadvantaged or vulnerable group.

H. Monitoring and Review

All proposed enforcement actions shall be assessed against this policy by the investigating officers concerned in conjunction with line or the service manager and legal services team of each Authority, where appropriate

Each Authority will monitor performance against this policy.

This policy will be subject to an annual review.

Annex 1 Services Within Scope Of This Policy

<p>Dudley Metropolitan Borough Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Licensing ○ Waste Enforcement 	<p>Sandwell Metropolitan Borough Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Licensing (excluding taxi licensing) ○ Private Sector Housing
<p>Walsall Metropolitan Borough Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Unauthorised Encampments ○ Community Protection ○ Licensing (including Licensing Act 2003, Gambling Act 2005, hackney carriage and private hire trades, street trading, Scrap Metal Dealers Act 2013, street collections, house to house collections, sex establishments) ○ Highway Safety ○ Waste Enforcement 	<p>City of Wolverhampton Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Environmental Crime ○ Waste Enforcement ○ Highways enforcement ○ Licensing ○ Unauthorised Encampments

Annex 2 - How to Comment or Complain

Comments and complaints can be made to each authority as detailed below:

Dudley Metropolitan Borough Council

In the first instance, complaints should be addressed to:

Dolores Nellany, Public Protection Manager (Food and Consumer Safety)
or Tim Glews, Public Protection Manager (Environmental Safety and Health)
Dudley MBC
4 Ednam Road
Dudley
DY1 1HL

If the matter is not resolved, further details on the corporate complaints procedure can be found at: <http://www.dudley.gov.uk/resident/your-council/compliments-comments-complaints/>

Sandwell Metropolitan Borough Council

In the first instance, complaints should be addressed to:

Stephen Gabriel, Head of Regulatory Services
Court House
High Street
West Bromwich
B70 8LU

If the matter is not resolved, further details on the corporate complaints procedure can be found at

http://www.sandwell.gov.uk/info/200195/contact_the_council/283/feedback_and_complaints

Walsall Metropolitan Borough Council

In the first instance, complaints should be addressed to:

Regulatory Services Manager
Walsall Council
The Civic Centre
Darwall Street
Walsall
WS1 1TP

If the matter is not resolved, further details on the corporate complaints procedure can be found at <http://cms.walsall.gov.uk/index/tellus.htm>

City of Wolverhampton Council

In the first instance, complaints should be addressed to:

Andy Jervis, Head of Regulatory Services
City of Wolverhampton Council
Civic Centre
St Peter's Square
Wolverhampton
WV1 1SH

If the matter is not resolved, further details on the corporate complaints procedure can be found at <https://www.wolverhampton.gov.uk/complaints>



Black Country Regulators Operating Framework.

Regulator and Business Charter

Black Country Local Authorities Enforcement Policy

Black Country Local Authorities Service Standards

Black Country Local Enterprise Partnership Regulator and Business Charter

Aim

The aim of this Charter is to make arrangements between the regulatory services of the Local Authorities in the Black Country and the local business community to provide a regulatory environment that;

- Reduces the regulatory burden on businesses.
- Promotes dialogue between businesses and regulatory services.
- Improves the business perception of regulators.
- Encourages the right balance between encouragement, education and enforcement.
- Develops a joint offer of support from regulatory services for businesses.
- Builds trust between regulators and businesses.

Delivery of the Charter will help promote success in business whilst continuing to provide public protection.

The Charter sets out roles and responsibilities for both regulators and the businesses community to achieve this aim.

Implementation

Local regulatory services directly influence the prosperity and well-being of our community. Regulation, delivered effectively and efficiently, can help businesses grow and, in turn, generate jobs and the tax revenues that benefit the whole community.

Local authorities and national regulators will work in collaboration and align their services to deliver the following commitments:

Local regulatory services will;

1. Support businesses by providing advice and guidance that helps them understand and meet their responsibilities.
2. Create an environment where businesses feel confident to seek advice from a regulator without fear of attracting enforcement activity.
3. Take ownership of any enquiry made to us by business until a satisfactory response is made. Make advice about regulation accessible to business through a website/phone app single point of contact
4. Ensure that all service delivery staff are competent and adopt a professional attitude when engaging with business. Consistency seminars will be provided to ensure that regulation is applied fairly and effectively across the LEP area, and to improve business understanding among staff.
5. Take a risk and intelligence led approach to all compliance and enforcement activities, ensuring protection of consumers, workers, public health and the

environment whilst providing a level playing field for business. Recognition will be given to businesses that can demonstrate effective controls.

6. Improve transparency by publishing our approach to compliance and enforcement that explains what the regulator will do and why.
7. Consult with local businesses to shape service delivery and develop innovative regulatory approaches that promote business success.
8. Be accountable to business, giving them confidence to make comment and criticism through the proposed LEP feedback mechanism.

The Chambers of Commerce, Federation of Small Businesses and trade organisations will encourage the business community, through publicity, forums, emails and mail shots to:

1. Access regulatory advice by asking any regulator a question or through the web.
2. Be confident in approaching regulators for advice without fear of enforcement activity.
3. Use the proposed LEP feedback mechanism to provide feedback, good and bad, after interactions with regulators
4. Build a positive relationship with regulators that improves compliance amongst the business community and supports business growth within the LEP area.
5. Acknowledge the contribution made by regulators and support positive publicity when there are improvements in business engagement with regulatory services.
6. Help other businesses to succeed through participating in a business mentor scheme.
7. Engage in business and Regulator forums, and other opportunities, to shape regulation delivery in the LEP area.

Evaluation and review

This Charter will be reviewed and revised annually.



Black Country Local Authorities Service Standards

<p>Joint Statement of the Chief Executives</p>	<p>The four local Authorities in the Black Country are responsible for protecting people's health, safety and wellbeing as well as the environment and amenities. They are responsible for promoting economic growth and employment opportunities.</p> <p>Key to supporting these objectives is a regulatory regime that balances support and enforcement. In the context of a clear set of service standards, providing advice that supports businesses to thrive and grow through all stages of the business lifecycle, whilst targeting formal enforcement actions at those businesses that breach the legislation contrary to our local needs and priorities and obtaining an unfair competitive advantage.</p> <p>Similarly, residents and communities thrive best when they can enjoy the highest standards of local amenities.</p> <p>It is recognised by each of the Authorities, as well as by national government, that business often operates on a wider basis than a single Authority. Following initiatives, such as "Better Business For All" and working with the Black Country Local Enterprise Partnership, it is recognised that businesses and communities alike thrive and are supported by providing consistency and certainty as far as possible. Therefore, the four authorities have developed a single document outlining their service standards</p> <p>Section 6 of the Regulators' Code sets out Government's expectation that local authorities will ensure that their approach to their regulatory activities is transparent. The provisions of section 6 include an expectation that local authorities will publish a clear set of service standards, setting out what those they regulate should expect from them. This includes their enforcement policy, explaining how they respond to non-compliance.</p> <p>Published service standards serve to bring the provisions of the Regulators' Code to life for each regulator and are important for regulators in meeting their responsibility under the statutory principles of good regulation¹ to be accountable and transparent about their activities.</p> <p>The Regulators' Code requires that published service standards should be easily accessible, clearly signposted, and kept up-to-date, but does not set out a single required approach to service standards. It is for each local authority to determine an approach to service standards that will work best for those it regulates and itself. The Code expects that local authorities will engage with those they regulate in relation to the development of their service standards.</p>
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¹ Section 21, Legislative and Regulatory Reform Act 2006, available at www.legislation.gov.uk

Service Standards For Dudley Council, Sandwell Council, City of Wolverhampton Council and Walsall Council Regulatory Services

A. What You Can Expect From Regulatory Services In The Black Country

This document explains what you can expect of Regulatory Services across the Black Country Local Authorities' Regulatory Services. Whether you are run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this document tells you how we aim to do that and what standards we will meet.

B. Areas We Regulate

Each Authority delivers the following services

<p>Dudley Metropolitan Borough Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Licensing ○ Waste Enforcement 	<p>Sandwell Metropolitan Borough Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Licensing (excluding taxi licensing) ○ Private Sector Housing
<p>Walsall Metropolitan Borough Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Unauthorised Encampments ○ Community Protection ○ Licensing (including Licensing Act 2003, Gambling Act 2005, hackney carriage and private hire trades, street trading, Scrap Metal Dealers Act 2013, street collections, house to house collections, sex establishments ○ Highway Safety ○ Waste Enforcement 	<p>City of Wolverhampton Council</p> <ul style="list-style-type: none"> ○ Environmental Health ○ Trading Standards ○ Environmental Crime ○ Waste Enforcement ○ Highways enforcement ○ Licensing ○ Unauthorised Encampments

C. How We Deliver Our Services

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper
- Protect and promote the health and wellbeing of our residents

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. We do this through engagement with a range of groups and organisations, including:

- local communities and local community forums
- elected members
- the voluntary sector
- individual businesses and business organisations
- partners and stakeholders

This is done through the use of complaints, intelligence, data and other information available to us and our partners and reflecting each Authority's strategic priorities. In this way we ensure our resources are targeted appropriately in the light of these local needs and of national priorities.

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements (see [Helping you to get it right](#) at section E below).
- We carry out inspections and a wide range of other enforcement activities to check compliance with legal requirements, and we target these checks where we believe they are most needed (see [Inspections and other compliance visits](#) at section F below).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see [Responding to non-compliance](#) at section G below).
- We provide a range of services to businesses, including eg, licences, registrations, issue of certificates (see [Requests for our service](#) at section H below).

Our services will be delivered in accordance with the requirements of the [Regulators' Code](#)

D. Working With You

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- Be courteous and polite
- Always identify themselves by name in dealings with you, and provide you with contact details
- Seek to gain an understanding of how your business operates
- Provide details of how to discuss any concerns you may have
- Agree timescales, expectations and preferred methods of communication with you
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

E. Helping You To Get It Right

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem.

Information and guidance on meeting legal requirements is available through the Business Companion Website www.businesscompanion.info In addition there is a regional Trading Standards Business News Service which is published quarterly on line <http://portfolio.cpl.co.uk/portfolio/TSBN>

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Provide clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance.

The Authorities in the Black Country operate the "Home Authority" principal. Any business based within the area of each Authority and which trades on a regional or national basis may benefit from a single source of advice in a specific area of legislation for all their business operations. Further, Sandwell and Walsall operate the Primary Authority scheme. This provides that businesses which have been accepted onto the scheme and have signed a formal Primary Authority Agreement can benefit from Assured Advice. Advice provided under the Primary Authority Regime is chargeable on a cost recovery basis.

Certain other areas of work undertaken by the Authorities, including licensing regimes, certain other business advice, and certain metrology services are also chargeable. Details of each Authority's fees are available on each Local Authority's website or can be provided on request.

F. Inspections And Other Compliance Visits

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason.

We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate. This requirement excludes food premises which have an exemption under the Powers of Entry Code of Practice.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required

- Provide a written record of the visit.

G. Responding To Non Compliance

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy.

We deal proportionately with breaches of the law as set out in our Enforcement Policy, available at each Local Authority website, including taking firm enforcement action when necessary

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are acceptable to both you and us, in relation to any actions required
- Provide in writing details of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required, until the matter is resolved

H. Requests For Our Services

We clearly explain the services that we offer, including details of any fees and charges that apply.

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

Contact details for the services in each authority can be found at Annex .1

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance each Authority's Data Protection Policy, a copy of which is available on their respective websites or can be provided on request.

I. Our Team

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise we have arrangements in place, with both neighbouring authorities and other regulatory organisations, to call on additional resources as necessary.

J. Working With Others

We work closely with other council services such as Planning and Economic Regeneration and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system within the area of the four Authorities. We have good working relationships with other regulators such as West Midlands Police, DEFRA, West Midlands Fire & Rescue, and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk, where the law allows, to help target regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need. We are members of the Central England Trading Standards Authorities (CEnTSA); Central England Environmental Health Partnership; Licensing Regional Groups and the Black Country Local Enterprise Partnership.

K. Having Your Say

- ***Complaints and appeals***

Where we take enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. You can contact the manager of the service which is dealing with this matter.

We manage complaints about our service, or about the conduct of our officers, through each Authority's Corporate Complaints Policy. Details can be found at Annex 2

- ***Feedback***

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time to time but we would welcome your feedback at any time. You can provide feedback using the contact details in Annex 1.

Any feedback that we receive will be acknowledged, considered and responded to.

- ***Developing our services with you***

We have a number of groups that we consult with to ensure that we are delivering our services to meet your needs. We currently work with the Black Country Local Enterprise Partnership, the Black Country Chamber of Commerce, and local business groups in each authority.

Annex 1 - How to Contact Us

Dudley Council

Environmental Health & Trading Standards	Dudley MBC People Directorate 4 Ednam Road Dudley DY1 1HL
Telephone TS	01384 817997
Email	ts.online@dudley.gov.uk
Telephone EH	0300 555 2345
Email	EnvSafetyHeath.DUE@dudley.gov.uk Food.DUE@dudley.gov.uk
Licensing	01384 815489
Waste Enforcement	0300 555 2345

Sandwell Council

Trading Standards and Licensing Trading Standards and Licensing
Unit 33 Coneygree Trading Estate
Coneygree Road
Tipton
DY4 8XR
Telephone 0121 569 6535
Email trading_standards@sandwell.gov.uk
licensing_team@sandwell.gov.uk

Environmental Health and Private Sector Housing
Court House
High Street
West Bromwich
B70 8LU
Telephone 0121 569 6600
Email ehs_enquiries@sandwell.gov.uk

Walsall council

Address for all services
Trading Standards, Environmental Health & Community Protection
Civic Centre
Darwall Street
Walsall
WS1 1TP
Environmental Health environmentalhealth@walsall.gov.uk
01922 653030
Trading Standards tradingstandards@walsall.gov.uk
01922 653040
Community Protection communityprotection@walsall.gov.uk

Licensing 01922 653050
licensing@walsall.gov.uk
01922 653050

City of Wolverhampton Council

Trading Standards, Environmental Health and Licensing
Civic Centre,
St Peter's Square
Wolverhampton
WV1 1DA
Telephone TS 03454 040506
Telephone EH 01902 551155
Telephone Licensing 01902 551155

Annex 2 - How to Comment or Complain

Comments and complaints can be made to each authority as detailed below:

Dudley Metropolitan Borough Council

In the first instance, complaints should be addressed to:

Dolores Nellany, Public Protection Manager (Food and Consumer Safety)
or Tim Glews, Public Protection Manager (Environmental Safety and Health)

Dudley MBC
4 Ednam Road
Dudley
DY1 1HL

If the matter is not resolved, further details on the corporate complaints procedure can be found at: <http://www.dudley.gov.uk/resident/your-council/compliments-comments-complaints/>

Sandwell Metropolitan Borough Council

In the first instance, complaints should be addressed to:

Stephen Gabriel, Head of Regulatory Services

Court House
High Street
West Bromwich
B70 8LU

If the matter is not resolved, further details on the corporate complaints procedure can be found at http://www.sandwell.gov.uk/info/200195/contact_the_council/283/feedback_and_complaints

Walsall Metropolitan Borough Council

In the first instance, complaints should be addressed to:

Regulatory Services Manager (Business & Compliance) or Regulatory Services Manager (Community Protection)

Walsall Council
The Civic Centre
Darwall Street
Walsall
WS1 1TP

If the matter is not resolved, further details on the corporate complaints procedure can be found at <http://cms.walsall.gov.uk/index/tellus.htm>

City of Wolverhampton Council

In the first instance, complaints should be addressed to:

Andy Jervis, Head of Regulatory Services

City of Wolverhampton Council
Civic Centre
St Peter's Square

Wolverhampton

WV1 1SH

If the matter is not resolved, further details on the corporate complaints procedure can be found at <https://www.wolverhampton.gov.uk/complaints>