



Licensing Committee

21 January 2015

Report title	Regeneration Compliance and Regulatory Policy Review	
Wards affected	All	
Accountable director	Tim Johnson, Education and Enterprise	
Originating service	Regulatory Services	
Accountable employee(s)	Andy Jervis	Head of Regulatory Services
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Report to be/has been considered by	The Policy has already been approved by Cabinet on 22 October 2014.	

Recommendation(s) for action or decision:

The Committee is recommended to:

Approve the proposed revised Regeneration Compliance and Regulatory Policy.

1.0 Purpose

- 1.1 To seek Licensing Committee approval of the proposed revised Regeneration Compliance and Regulatory Policy as it applies to non-executive matters falling under the remit of the committee. The policy has already been approved by Cabinet as it also covers executive matters. The report that went to the Cabinet meeting 22 October 2014 is attached at appendix A, the proposed policy is attached at appendix B.

2.0 Background

- 2.1 Prior to 1 January 2015 Regeneration sat within the Council's Education and Enterprise directorate, its broad remit - included:
- Growing the economy and creating jobs
 - Maximising investment
 - Strengthening economic development
 - Regenerating the city and in particular the city centre
 - Public protection
- 2.2 Regeneration was responsible for discharging the majority of the Council's core regulatory and compliance functions. These were delivered, by Regulatory Services, Planning, Housing (Private Sector) and Transportation services. Responsibility for these services falls to both the executive and non-executive parts of the Council.
- 2.3 Regeneration sought to ensure, through a fair and proportionate approach to compliance and enforcement that the highest levels of protection were afforded to residents, businesses and those working in and visiting the city, in relation to public health, the built environment and public realm, housing, environmental protection, food safety, trading standards, historic environment and licensing.
- 2.4 Following the recent restructure Regeneration no longer exists in it's past format, however the proposed Regeneration Compliance and Regulatory Policy will covers all of the same functions where ever they may be located in the councils structure.
- 2.5 It is also important to periodically review the policy to ensure it continues to fully recognise and appropriately respond to the impact of the economic climate on Wolverhampton's commercial sector through the correct balance of assistance to the trade and proportionate application of regulatory powers to address public health and safety risks.
- 2.6 The current Regeneration Compliance and Regulatory Policy was last updated in 2011/2012, it became due for review in April 2014 following the publication of the Better Regulation Delivery Office (BRDO) Regulators' Code. The new policy would also need to reflect the outcomes of recent systems thinking reviews in Planning, Environmental Health, Trading Standards and Licensing which have shifted the emphasis of regulatory activity more towards compliance assistance.

- 2.7 The Regulators Code was given statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006, it replaces the Regulators Compliance Code. Regulators whose functions are specified by order under the Act must have regard to the code when developing policies and procedures.
- 2.8 The Regulators Code and the Regulators Compliance Code are very similar. The main difference is the emphasis within the Regulators' Code on providing a clear framework for transparent, open and accountable regulatory delivery. It sets out new expectations, including a provision for regulators to publish 'service standards' setting out what those they regulate should expect from them. The Principals of the Regulators Code are:
- Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
 - Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
 - Regulators should base their regulatory activities on risk.
 - Regulators should share information about compliance and risk.
 - Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
 - Regulators should ensure that their approach to their regulatory activities is transparent.
- 2.9 As a general approach to regulation, the Council has already adopted the principles set out in the new Regulators Code for a considerable period. The use of systems thinking across Regeneration has meant that there has been an emphasis of promoting compliance through support rather than enforcement.
- 2.10 The Regeneration Compliance and Regulatory Policy has been amended to reflect this change of emphasis.
- 3.0 Progress, options, discussion, etc.**
- 3.1 It is requested that the Licensing Committee approve the revised Regeneration Compliance and Regulatory Policy.
- 4.0 Financial implications**
- 4.1 All costs associated with the delivery of regulatory functions in accordance with the policy can be accommodated within approved Regeneration service revenue budgets.
- 4.2 Councillors should be mindful however of the reduced budgetary provision and associated staffing resource associated with the councils regulatory services. This will inevitably impact upon both the range of issues the services are capable of responding to and the time taken to initiate a response.

5.0 Legal implications

- 5.1 No legal proceedings are instigated without the requisite consultation with Legal Services. Prosecutions are authorised by the Assistant Director; Regeneration in consultation with the Chief Legal Officer or nominee who will have regard to the adopted regulatory policy in addition to the Code for Crown Prosecutors and other relevant guidance and legal issues

6.0 Equalities implications

- 6.1 The policy was subject to an equalities screening when last revised. It is considered that no significant alterations to the aims of the policy, that would change the anticipated impacts, have been made. The revised policy still aims to ensure an appropriate balance between levels of compliance and economic impact on local businesses and individuals without jeopardising public wellbeing, health and safety. For this reason, it was not necessary to revise the equalities analysis at this time.
- 6.2 The policy aims to be proportionate, transparent consistent and risk based. It aims to remove or reduce any inequalities to acceptable levels and therefore is anticipated to have a positive impact on equalities.
- 6.3 All formal enforcement decisions are made in with regard to the requirements of the Code for Crown Prosecutors which focus on the admissibility of evidence and the public interest of bringing proceedings. Any adverse impacts on equality will be identified and dealt with at this stage.
- 6.4 The policy seeks to target long term non-compliance and provide compliance assistance where required. Both demands are often associated with the more deprived areas of the city. The policy therefore addresses the higher levels of risk these issues expose consumers from these areas to.

7.0 Environmental implications

- 7.1 A significant proportion of the activities and functions undertaken by Regeneration are intended to protect and enhance Wolverhampton's natural, commercial and built environments.
- 7.2 Proportionate, appropriate and focussed regulation can have significant positive impacts on the environmental amenity of buildings, land and entire neighbourhoods.

8.0 Schedule of background papers

- 8.1 Appendix A – Regeneration Compliance and Regulatory Policy Review report that was approved at the Cabinet meeting 22 October 2014.