

## REPORT TO CABINET

12 December 2018

<b>Subject:</b>	<b>Restructure of Regulatory Services</b>
<b>Presenting Cabinet Member:</b>	<b>Councillor Elaine Costigan - Cabinet Member for Public Health and Protection</b>
<b>Director:</b>	<b>Executive Director of Adult Social Care, Health and Wellbeing – David Stevens</b>  <b>Director – Prevention and Protection – Stuart Lackenby</b>
<b>Contribution towards Vision 2030:</b>	
<b>Key Decision:</b>	Yes
<b>Forward Plan (28 day notice) Reference:</b>	SMBC04/03/2018
<b>Cabinet Member Approval and Date:</b>	Councillor Costigan 18 October 2018
<b>Director Approval:</b>	David Stevens and Stuart Lackenby 18 October 2018
<b>Reason for Urgency:</b>	Urgency provisions do not apply
<b>Exempt Information Ref:</b>	Exemption provisions do not apply
<b>Ward Councillor (s) Consulted (if applicable):</b>	Ward Councillors have not been consulted
<b>Scrutiny Consultation Considered?</b>	Scrutiny have not been consulted
<b>Contact Officer(s):</b>	Neil Cox Service Manager – Regulatory Services <a href="mailto:neil_cox@sandwell.gov.uk">neil_cox@sandwell.gov.uk</a>

## DECISION RECOMMENDATIONS

### That Cabinet:

1. Support the need for change and the modernisation of the Regulatory Service area which will move the primary focus of the service from monitoring regulatory compliance towards delivering a range of co-ordinated services which seek to protect both people who live and work within the borough and the natural environment which surrounds them.
2. Approve the revised structure for Regulatory Services as set out in Appendix 3, 4, 5 and 6 as the basis for consultation with employees and trade unions.
3. Subject to the outcomes of consultation referred to in 2 above, and to the Executive Director - Adult Social Care, Health and Wellbeing and the Director - Prevention and Protection being satisfied that there are no significant issues arising, the revised structure for Regulatory Services be approved with effect from 1 April 2019.
4. That in order for the new structure to take effect:-
  - (a) the following posts within Regulatory Services be deleted with effect from 1 April 2019:-

Role	FTE	Grade
Licensing Manager	1	Grade H
Senior Licensing Enforcement Officer	1	Grade F
Licensing Officer	3	Grade D
Licensing Officer (Taxi)	1	Grade C
Environmental Health Manager	1	Grade J
Group Environmental Health Officer	2	Grade H
Senior Environmental Health Officer	4	Grade G
District Environmental Health Officer	13.28	Grade F
Health and Safety Officer	1	Grade F
Scientific Officer CL	1	Grade F
Domestic Noise Supervisor	1	Grade F
Animal Health, Welfare & Disease Control Officer	0.14	Grade E
Technical Officer	3	Grade E
Domestic Noise Officer	1	Grade E
Trading Standards Manager	1	Grade J
Area Trading Standards Officer	2	Grade H

Senior Trading Standards Officer	3.55	Grade G
Trading Standards Officer	7.66	Grade F
Assistant Trading Standards Officer	1.68	Grade D
Corporate Action Co-ordinator	1	Grade J
Waste Compliance Officer	3	Grade D
Senior Urban Renewal Officer	1	Grade H
Urban Renewal Officer	7	Grade F
Property Intervention Officer	0.86	Grade F

- (b) the following posts be created within Regulatory Services with effect from 1 April 2019:-

Role	FTE	Grade
Operations Manager - Licensing	1	Grade I
Licensing Supervisor	2	Grade G
Senior Licensing Officer	1	Grade F
Licensing Officer (General)	4	Grade C
Business Manager - Citizen & Consumer Protection	1	Grade J
Citizen & Consumer Protection Team Manager	2	Grade H
Senior Regulatory Compliance Officer	4	Grade G
Regulatory Compliance Officer (EH)	12.72	Grade F
Regulatory Compliance Officer (TS)	9.22	Grade F
Licensing Enforcement Officer	3.72	Grade E
Regulatory Compliance Assistant	2.68	Grade D
Business Manager - Environmental Protection & Enforcement	1	Grade J
Senior Environmental Enforcement Officer	1	Grade G
Environmental Enforcement Officer	4	Grade F
Pest Control Co-ordinator	1	Grade E
Environmental Rapid Response Operative	2	Grade D
Citizen & Consumer Protection (Accommodation) Team Manager	1	Grade H
Citizen & Consumer Protection Officer (Accommodation)	7.86	Grade F
Environmental Improvement Officer	5.81	Grade F

5. That in connection with points 2 and 3 above, the Executive Director - Adult Social Care, Health and Wellbeing and the Director for Prevention and Protection in accordance with the Council's Human Resources policies and procedures, be authorised to:-
  - (a) commence the appointment process as set out in this report as soon as possible after formal consultation ends, in order to move staff into the new structure.
  - (b) continue engagement with staff and trade unions.
  - (c) explore redeployment opportunities, via the Jobs Promise, for post holders holding posts displaced within the structure and place the post holders on the At Risk register.
6. That, in the event there are any issues arising from the consultation process on the revised structure deemed to be significant by the Executive Director - Adult Social Care, Health and Wellbeing and Director - Prevention and Protection a further report be submitted to Cabinet.
7. Note that following the implementation of the new structure, the service area is rebranded as Protection Services which will replace the current Regulatory Services identity.

## **1 PURPOSE OF THE REPORT**

- 1.1 This report outlines a proposed restructure of Regulatory Services which forms part of the Prevention and Protection directorate.
- 1.2 The redesigned structure seeks to place an emphasis on the delivery of services and the range of powers the Council has available to protect both residents and people working in the borough from the risk of harm and deception which are all to prevalent in modern society.
- 1.3 The focus of restructuring the services area is centred around the following key objectives:
  - Delivering a range of co-ordinated services which are better equipped to respond to changing demands and local needs.
  - Aligning the management and staffing structure to support the delivery of both the 2030 Vision and priorities of the wider Prevention and Protection and Adult Social Care, Health & Well Being directorates.

- Ensuring the right resources are in the right places to meet the Council's statutory obligations, the expectations of elected members and the expectations of our local residents both now and in the years to come.
- Delivering services that are affordable and exploring opportunities to generate income where it is appropriate to do so.

## **2 IMPLICATIONS FOR SANDWELL'S VISION**

- 2.1 The restructuring of the service area will support the delivery of a number of ambitions which make up Vision 2030, but most notably ambition 5: Our communities are built on mutual respect and taking care of each other, supported by all agencies that ensure we feel safe and protected in our homes and local neighbourhoods.
- 2.2 The structure and focus of the service area and operational delivery will be on protecting people living and working in the borough from the impact of crime and anti-social behaviour in the towns and neighbourhoods they live and work in.
- 2.3 Emphasis will be placed on providing an effective level of response to the risks that exist in modern society through the delivery of a range of co-ordinated services which are able to both identify and respond to changing local needs and priorities.

## **3 BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 In response to the challenges of a more unscrupulous world, and the presence of social media which draws people's attention to the risks that surround them, people living across Sandwell need to be assured that the Council has in place a set of services that are able to respond to the challenge of keeping people safe and protected through exercising appropriate powers to regulate businesses and landlords and respond to acts of individuals which threaten the boroughs residents and the physical environment in which they live.
- 3.2 Feedback received from numerous surveys highlight that residents prioritise feeling safe and what the authority does to keep them safe is what concerns them most of all.
- 3.3 For many years the main focus of the teams which have made up Regulatory Services has been to promote and enforce regulatory compliance across the borough.

- 3.4 Over recent years however, the challenges they now need to respond to have become far more acute; a rise in activities such as fly tipping, unauthorised encampments, criminal landlords and sales of illegal alcohol and tobacco mean services need to be more mobile, responsive and joined up in order to take the necessary enforcement action required to protect Sandwell residents.
- 3.5 Providing an appropriate level of response to a significant proportion of this change in activity in the short term has resulted in the temporary establishment of the Environmental Enforcement Team which has proved to be successful in providing an immediate response to issues which pose an immediate environmental risk.
- 3.6 The introduction to the service area of the Boroughwide Patrolling Service (now known as the Environmental Protection Team) and Taxi Licensing have also served to increase the range of powers, local intelligence and information that are available across the service area. Which has increased the potential for activity to be co-ordinated more effectively to respond to the changing needs and demands of service stakeholders, as well as increasing the potential opportunities to engage in more effective partnership working to respond to local priorities.
- 3.7 Therefore, the rationale behind restructuring the service area is to co-ordinate activity, local intelligence and information more effectively to ensure that services are more responsive to the immediate risks people face, and operational service delivery is focused on utilising the range of skills, abilities and legislative powers available to effectively protect the physical environment and people of Sandwell.
- 3.8 This report outlines a proposed new structure for the service area which will establish a set of complementary services which serve to:
- Provide an immediate response to tackle situations which pose a risk to our residents and threaten the natural environment in which people live.
  - Effectively license and regulate the businesses which operate in each of the six towns across the borough.
  - Regulate landlords operating in the borough to ensure all people living in the borough are safe in their homes and not at risk of harm.
  - Increase public confidence through an increased level of understanding of the activities the Council takes a daily basis to protect them.

- 3.9 The collective focus for the restructured service area will be on delivering a range of services which engage effectively with local partners and support the delivery of the 2030 vision through the protection of citizens and consumers who live, work and socialise within the borough

## 4 THE CURRENT POSITION

- 4.1 The current establishment structure of the service area is divided into five different areas of specialism, these are:

- Trading Standards & Licensing
- Environmental Health
- Environmental Protection & Enforcement
- Housing Quality
- Taxi Licensing

- 4.2 A more detailed overview of the activity undertaken within these areas can be found on the diagram in appendix 1.

- 4.3 The proposed new structure for the service area seeks to move away from operational service delivery being aligned to particular specialisms and recognises the need to have a multi-disciplined approach to tackling the challenges different local areas face.

- 4.4 The proposed structure is therefore made up of three key areas which are:

- Environmental Protection & Enforcement
- Citizen & Consumer Protection
- Licensing

- 4.5 Aligning activity in this way should enable the future delivery of services to be more co-ordinated and efficient.

### 4.6 Environmental Protection & Enforcement

The teams within this operational area will work primarily on a responsive basis to provide a resolution to issues posing an immediate risk to the environment across the whole of the borough.

The team will have a constant, day to day cross borough presence tackling and responding to local priorities.

### 4.7 Citizen & Consumer Protection

This operational area will be broken down into two distinct areas of focus which promote citizen and consumer protection, these are:

- Business & Consumer
- Accommodation

Business & Consumer: This will consist of two generic teams operating on a geographical split of the borough to respond to and investigate concerns raised by citizens and consumers within the borough about the products and services they have received.

The teams will also carry out pro-active inspections of businesses to ensure regulatory compliance and enforce license conditions as appropriate.

Accommodation: this team will focus on regulatory compliance in respect of the provision of private accommodation.

The team will liaise between tenants and landlords and where appropriate take enforcement action. The team will also work with landlords to make them aware of their responsibilities and work with partners to tackle the problem of criminal landlords.

#### 4.8 Licensing

This team will oversee the management and operational delivery of all local licensing policies, to ensure these are aligned to local priorities, challenges and the strategic ambitions of the authority, and are being implemented effectively.

#### 4.9 Remaining functions

As the primary focus of the proposed structure is on delivering services which protect residents and people working in the borough from short to medium term risks it is proposed that the resource required to deliver activities which protect people from longer term risks is transferred to a directorate with a common focus.

This would result in the responsibility for air quality, environmental permits and contaminated land and planning consultations being transferred to the Public Health directorate. To carry out the outlined activity it is proposed that the following roles are transferred to the Public Health directorate:

Role	FTE	Grade
Senior Environmental Health Officer	1	Grade G
Environmental Improvement Officer	4.81	Grade F
Air Quality Technician	1	Grade E

4.10 An overview of the specific activity each team is responsible for can be found at appendix 2.

4.11 Staffing Implications

Implementing the proposed structure will result in the following staffing implications:

Environmental Protection & Enforcement

The following posts will be deleted:

Role	FTE	Grade
Corporate Action Co-ordinator	1	Grade J
Waste Compliance Officer	2	Grade D

The following posts will be created:

Role	FTE	Grade
Business Manager - Environmental Protection & Enforcement	1	Grade J
Senior Environmental Enforcement Officer	1	Grade G
Environmental Improvement Officer	1	Grade F
Environmental Enforcement Officer	4	Grade F
Pest Control Co-ordinator	1	Grade E
Environmental Rapid Response Operative	2	Grade D

The following posts will be transferred in:

Role	FTE	Grade
Pest Control Officer	4	Grade D

Citizen & Consumer Protection – Business & Consumer

The following posts will be deleted:

Role	FTE	Grade
Environmental Health Manager	1	Grade J
Group Environmental Health Officer	2	Grade H
Senior Environmental Health Officer	4	Grade G
District Environmental Health Officer	13.28	Grade F
Health and Safety Officer	1	Grade F
Scientific Officer CL	1	Grade F
Domestic Noise Supervisor	1	Grade F

Animal Health, Welfare & Disease Control Officer	0.14	Grade E
Technical Officer	3	Grade E
Domestic Noise Officer	1	Grade E
Waste Compliance Officer	1	Grade D
Trading Standards Manager	1	Grade J
Area Trading Standards Officer	2	Grade H
Senior Trading Standards Officer	3.55	Grade G
Trading Standards Officer	7.66	Grade F
Assistant Trading Standards Officer	1.68	Grade D

The following posts will be created:

Role	FTE	Grade
Business Manager - Citizen & Consumer Protection	1	Grade J
Citizen & Consumer Protection Team Manager	2	Grade H
Senior Regulatory Compliance Officer	4	Grade G
Regulatory Compliance Officer (EH)	12.72	Grade F
Regulatory Compliance Officer (TS)	9.22	Grade F
Licensing Enforcement Officer	1	Grade E
Regulatory Compliance Assistant	2.68	Grade D

The following posts will be transferred in:

Role	FTE	Grade
Licensing Enforcement Officer	2.72	Grade E

The following posts will be transferred out:

Role	FTE	Grade
Licensing Officer (General)	3	Grade E
Pest Control Officer	4	Grade D
Senior Environmental Health Officer	1	Grade G
Air Quality Technician	1	Grade E

#### Citizen & Consumer Protection – Accommodation

An interim structure for this team is currently in place due to the team being in receipt of short term funding from the Controlling Migration Fund.

The potential to implement licensing within the private rented sector is also being explored, and should this be approved, a new team structure will be required to operate effectively.

It is therefore proposed to continue with the current interim structure that is in place and review this position in 12 months.

However, its proposed to align the titles of existing job roles within this area so that they are aligned to the rest of the proposed structure, these changes are outlined in the tables below:

The following posts will be deleted:

Role	FTE	Grade
Senior Urban Renewal Officer	1	Grade H
Urban Renewal Officer	7	Grade F
Property Intervention Officer	0.86	Grade F

The following posts will be created:

Role	FTE	Grade
Citizen & Consumer Protection (Accommodation) Team Manager	1	Grade H
Citizen & Consumer Protection Officer (Accommodation)	7.86	Grade F

### Licensing

The following posts will be deleted:

Role	FTE	Grade
Licensing Manager	1	Grade H
Senior Licensing Enforcement Officer	1	Grade F
Licensing Officer (Taxi)	1	Grade D

The following posts will be created:

Role	FTE	Grade
Operations Manager	1	Grade I
Licensing Supervisor	2	Grade G
Senior Licensing Officer	1	Grade F
Licensing Officer (General)	1	Grade D

The following posts will be transferred in:

Role	FTE	Grade
Licensing Officer (General)	3	Grade D

The following posts will be transferred out:

Role	FTE	Grade
Licensing Enforcement Officer	2.72	Grade E

4.12 Structure charts outlining the proposed future staffing structure for each can be found at Appendices 3-6

4.13 It is proposed that the provisional go live date for this structure is 1 April 2019 to allow the necessary HR processes required to implement the structure to take place.

4.14 Following the implementation of the new structure it is proposed that the service area is rebranded as Protection Services which will replace the current Regulatory Services identity.

## 5 **CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)**

5.1 Engagement sessions have taken place with the affected staff group and key stakeholders prior to the finalisation of this proposal. The feedback received has informed the final proposal.

5.2 The consultation proposed within this document is structured by the following legal position:

The statutory instrument that underpins the duty to consult is defined in the Local Government Act 1999 (Section 3) and the Statutory Guidance issued under it. Both the Act and Guidance state that Councils are under a duty to consult.

5.3 Consultation will be undertaken accordingly and proportionately.

5.4 The consultation with the effected workforce will have to comply with the legal principles that relate to consultation, namely the Gunning principles:

- a. Consultation should be at a time when proposals are still at a formative stage.
- b. Sufficient reasons for the proposals to permit intelligent consideration.
- c. Adequate time must be given for consideration and response.
- d. The product of the consultation must be conscientiously taken into account.

## 6 ALTERNATIVE OPTIONS

- 6.1 The Structure can continue as it is but will not be fit for purpose and will not provide an effective or efficient response to local priorities.

## 7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 The proposed structure utilises the service areas current budget allocation and no additional resources are required to implement the structure.

## 8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Under section 188 of the Trade Union labour Relations Act 1992 for the purposes of consultation the employer must satisfy and disclose in writing the following:

**a) The reason for the proposal**

To respond to the current and future challenges experienced by people living and working in the borough by providing a range of services which are structured in a way which allows the council to be responsive to the needs of its residents to be protected from potential risks.

**b) The total number of employees of any such description employed by the employer at the establishment in question**

The structure charts in appendices 3-6 set out the current number and banding of posts within the service area.

**c) The number of agency workers working temporarily for and under the supervision of the employer**

There are no agency employees who are affected by the proposals

**d) Those on fixed term contracts will be treated no less favourably than permanent employees pursuant to the Fixed Term Employees Prevention on Less Favourable Treatment Regulations 2002.**

The principles of the Equality Act 2010 will be adhered to in respect of applying Council Policies. Employment legislation and contractual provisions will be adhered to in implementing the proposal in this report.

Currently within Regulatory Services there are 14 employees on fixed term contracts.

- 8.2 The implementation of any cabinet decision should not result in the violation of any person's rights under the European Convention on Human Rights (ECHR). The consultation will ensure that any potential violation is identified and mitigated.
- 8.3 Public Sector Equality Duty (PSED) – When making a decision as to changes in service provision the local authority must comply with the requirements of the Equality Act 2010 and in particular section 149 (public sector equality duty). The protected characteristics to which the duty applies includes age as well as disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 8.4 Job Promise process will be used and opportunities for those post holders currently occupying the posts who may be displaced within the structure will be explored following completion of the selection process.
- 8.5 There is a possibility that redundancies may arise as a result of the restructure. Steps will be taken to ensure that a fair process, compliant with statutory requirements and principles set out in ACAS guidelines are followed.

## **9 EQUALITY IMPACT ASSESSMENT**

- 9.1 When making a decision as to changes in service provision the local authority must comply with the requirements of the Equality Act 2010 and in particular section 149 (the public sector equality duty). The protected characteristics to which the duty applies includes age as well as disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex.
- 9.2 An Equality Impact Assessment has been completed. It concluded that the restructure of Regulatory Services would not adversely affect equality on the basis of any of the protected characteristics. Any unforeseen adverse impacts will be identified through monitoring processes and statistical / other data analysis.
- 9.3 The additional emphasis on protection coupled with more efficient service delivery will provide a far more effective service to all vulnerable households.

## **10 DATA PROTECTION IMPACT ASSESSMENT**

10.1 As a result of the recent introduction of the General Data Protection Regulations a full review of data protection requirements was carried out across Regulatory Services and the proposals contained in this report should not result in any material changes being made to the processes implemented as a part of this work.

## **11 CRIME AND DISORDER AND RISK ASSESSMENT**

11.1 The proposals outlined will increase the Council's ability to respond to low level crime and disorder by focusing operational delivery on responding to situations which cause a potential risk to residents in a more co-ordinated and effective way.

11.2 The corporate risk assessment has been complied with to identify and assess any significant risks associated with the proposal. This includes (but is not limited to) political, legislation, financial, environmental and reputation risks.

11.3 Based on the information provided, it is the officers' opinion that where significant risks have been identified, arrangements are in place to manage and mitigate these effectively. This assessment has identified there are no current "red" risks that need to be reported.

11.4 If the report is not approved then there is a risk to the services in the context of both value for money and their ability to meet changing needs and demands.

## **12 SUSTAINABILITY OF PROPOSALS**

12.1 The proposed structure improves the sustainability of front line services by reducing the size of the existing management structure and investing resources in the creation of key front-line posts.

12.2 Work is also ongoing within the service area, and will continue, to identify the opportunities that exist to provide formal support to local businesses to ensure they are compliant with relevant legislation and potentially reduce the need for more costly enforcement work to be required.

12.3 Proposals being put forward in relation to the introduction of licensing in the private rented sector also have the potential to increase the sustainability of a specific element of the proposed structure.

12.4 The overall proposal has also been developed on the basis of creating a structure for front line service delivery which is able to meet the developing future needs of our local areas.

### **13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)**

13.1 By providing services which are far more responsive to the challenges and threats the public face on a daily basis the proposals outlined will have a positive impact for residents and communities by effectively protecting them and the environment in which they live from harm.

### **14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND**

14.1 The proposals outlined have no impact on Council managed property or land.

### **15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

15.1 The report outlines a proposed restructure of Regulatory Services which seeks to place an emphasis on the delivery of services and the range of powers the Council has available to protect both residents and people working in the borough from the risk of harm and deception which are all too prevalent in modern society.

15.2 The focus of restructuring the services area seeks to:

- Align the management and staffing structure to support the delivery of both the 2030 Vision and priorities of the wider Prevention and Protection and Adult Social Care, Health & Well Being directorates.
- Ensure the right resources are in the right places to meet the Council's statutory obligations, the expectations of elected members and the expectations of our local residents both now and in the years to come.
- Deliver services that are affordable and explore opportunities to generate income where it is appropriate to do so.

### **16 BACKGROUND PAPERS**

16.1 Not applicable

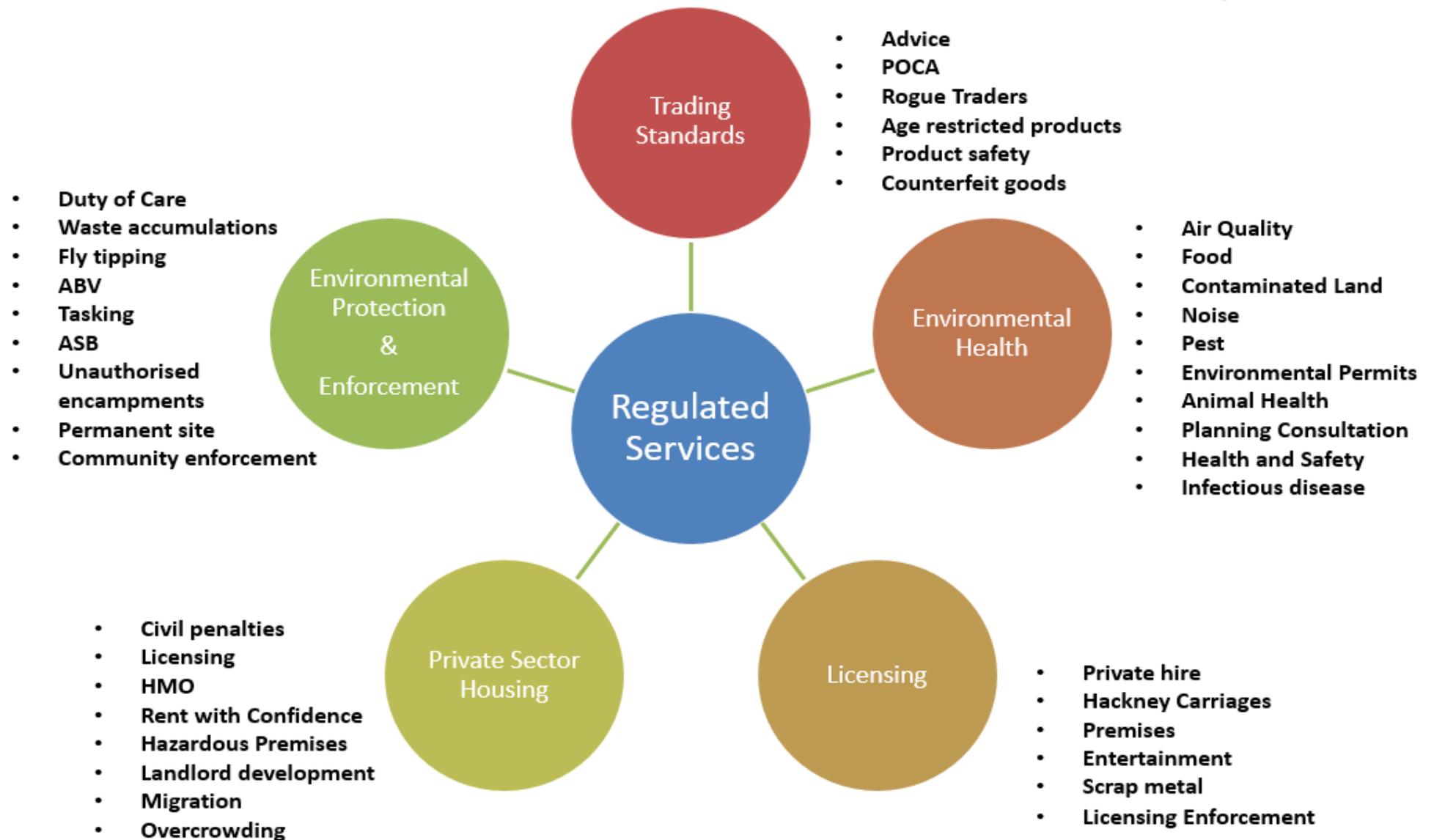
17 **APPENDICES:**

- Appendix 1: Current alignment of activity
- Appendix 2: Proposed alignment of activity
- Appendix 3: Proposed Structure – Licensing
- Appendix 4: Proposed Structure – Environmental Protection & Enforcement
- Appendix 5: Proposed Structure – Citizen & Consumer Protection, Business & Consumer
- Appendix 6: Proposed Structure – Citizen & Consumer Protection, Accommodation

**David Stevens**  
**Executive Director of Adult Social Care, Health and Wellbeing**

**Stuart Lackenby**  
**Director – Prevention and Protection**

Current alignment of activity



# Protection Services

## Licensing

- Private hire
- Hackney Carriages
- Premises
- Entertainment
- Scrap metal
- Gambling
- Adult Entertainment
- Licensing Strategy/Policy

## Citizen & Consumer Protection

### Business & Consumers:

- Advice
- Rogue Traders
- Age restricted products
- Product safety
- Counterfeit goods
- Scams
- Health and Safety
- Food Standards
- Protecting the food chain
- Infectious disease
- Licensing Enforcement

### Accommodation:

- Civil penalties
- Licensing
- HMO
- Rent with Confidence
- Hazardous Premises
- Landlord development
- Migration
- Overcrowding
- Empty Properties

## Environmental Protection & Enforcement

- Waste accumulations
- Fly tipping
- Untaxed Vehicles
- Community Tension
- Unauthorised encampments
- Community enforcement
- Pest Control
- Noise

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### Environment:

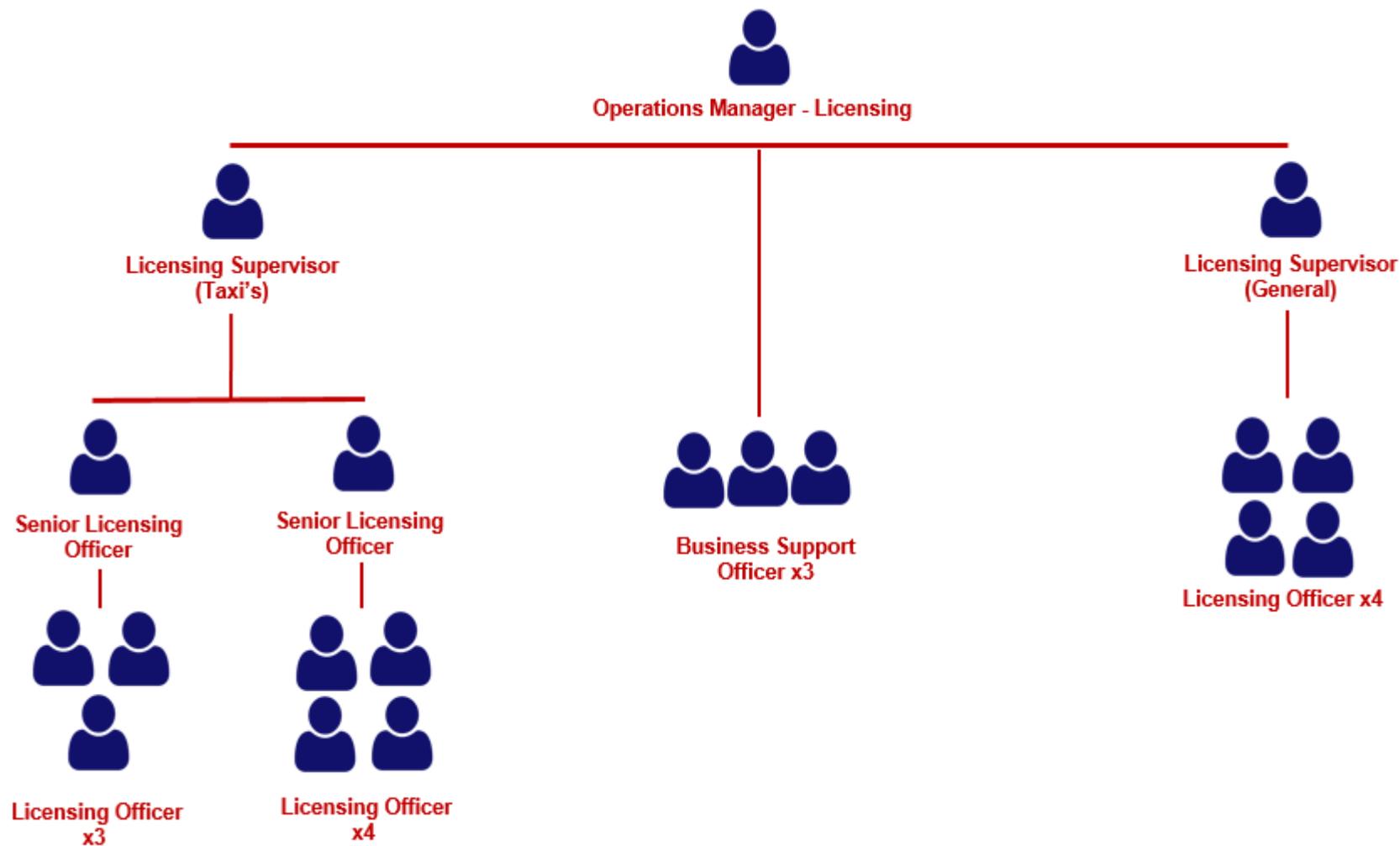
#### Public Health:

- Air Quality
- Environmental Permit

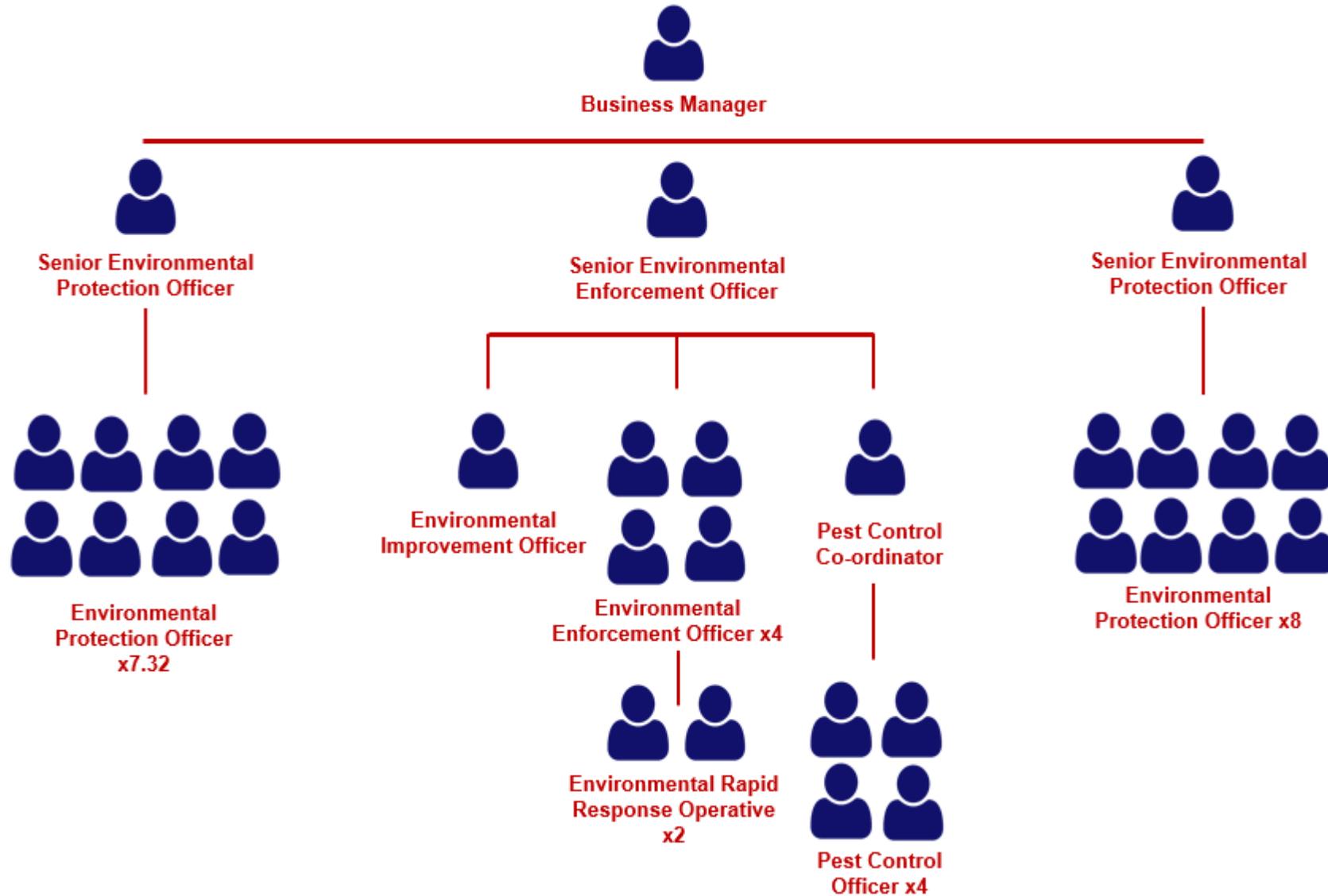
#### Planning:

- Contaminated Land
- Planning Consultation

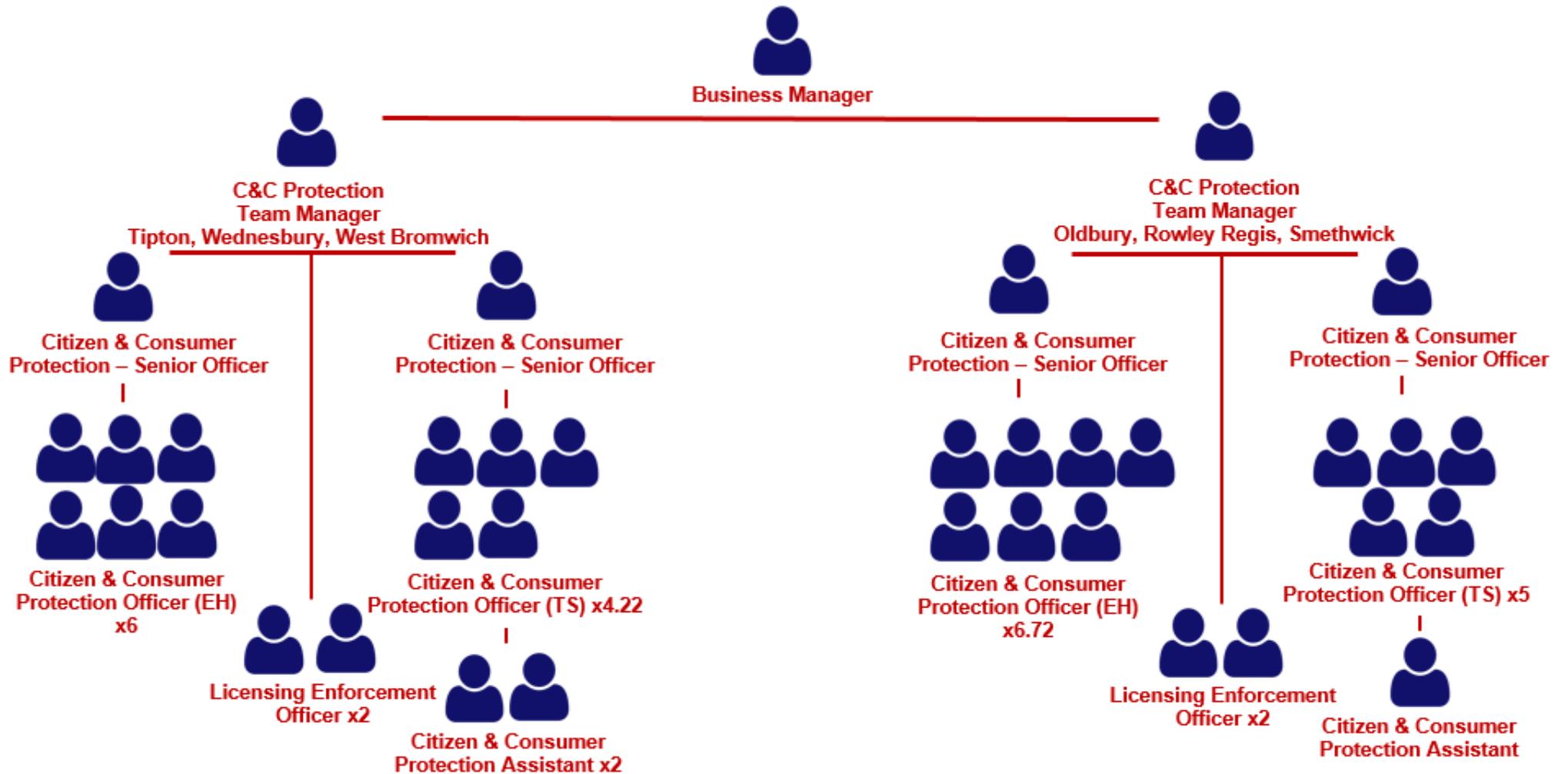
Proposed Structure: Licensing



Proposed Structure: Environmental Protection & Enforcement



**Proposed Structure: Citizen & Consumer Protection – Business & Consumer**



Proposed Structure: Citizen & Consumer Protection- Accommodation

