

MINUTES

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WORCESTERSHIRE DISTRICT COUNCILS**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD****THURSDAY, 27TH JUNE 2019, AT 4.30 P.M.**

PRESENT: Councillors H. Dyke (Vice-Chairman, in the Chair), A. D. Kent, H. J. Jones, J. Raine, G. Prosser (substituting for Cllr. J. Grubb), W. King, J. Squires, L. Griffiths, E. Stokes, D. Morris and P. Dyke

Partner Officers: Mr. P. Merrick, Malvern Hills and Wychavon District Councils, Mr. L. Griffiths, Worcester City Council and Mr. M. Parker, Wyre Forest District Council

Officers: Mr. S. Wilkes, Ms. C. Flanagan, Mr. C. Forrester, Mr. M. Cox and Mrs. P. Ross

1/19

PREVIOUS CHAIRMAN'S REPORT

Councillor G. Prosser, Redditch Borough Council, Vice-Chairman of the Worcestershire Regulatory Services Board 2018/2019, suggested that as there were a number of new members to the Board, it would be helpful if Members and officers gave brief introductions.

The Vice-Chairman then introduced the report, which provided an overview of the highlights that the Board covered from 1st April 2018 to 31st March 2019.

Councillor Prosser expressed his sincere thanks to the Board and the Head of Regulatory Services.

RESOLVED that Members note the report, as presented by Councillor G. Prosser, Redditch Borough Council, Vice-Chairman of the Worcestershire Regulatory Services Board for the municipal year 2018/2019.

2/19

ELECTION OF CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR

A nomination for Chairman was received in respect of Councillor J. Grubb, Redditch Borough Council.

RESOLVED that Councillor J. Grubb, Redditch Borough Council be elected as Chairman for the ensuing municipal year.

3/19 **ELECTION OF VICE-CHAIRMAN FOR THE ENSUING MUNICIPAL YEAR**

A nomination for Vice-Chairman was received in respect of Councillor H. Dyke, Wyre Forest District Council.

RESOLVED that Councillor H. Dyke, Wyre Forest District Council be elected as Vice-Chairman for the ensuing municipal year.

The Vice-Chairman took the opportunity to welcome Members and officers to the meeting of the Board.

4/19 **APOLOGIES**

Apologies for absence were received from Councillors J. Grubb, Redditch Borough Council and T. Wells, Malvern Hills District Council.

It was noted that Councillors G. Prosser, Redditch Borough Council, was in attendance as substitute member for Councillor J. Grubb.

Apologies for absence were also received from Ms. J. Pickering, Bromsgrove District and Redditch Borough Councils.

5/19 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

6/19 **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 14th February 2019, were submitted.

It was noted that Councillor J. Squires, Worcester City Council and Councillor E. Stokes, Wychavon District Council, were present at that meeting and they consecutively proposed and seconded the approval of the minutes.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board held on 14th February 2019, be approved as a correct record.

7/19 **WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL - MARCH 2019 & ANNUAL RETURN**

The Financial Services Manager, Bromsgrove District Council, introduced the report and in doing so highlighted that Worcestershire Regulatory Services (WRS) managers had set themselves an income budget of £309k for 2018/2019; and that through hard work and the successes that WRS had achieved with generating income this year, that the total income generated from all sources including additional spends by partners was £402k.

Members' attention was also drawn to:

- The purchased particulate monitoring kit for £8k, which would also be used as an income generator.
- Due to the increase in the number of taxi licences and the increase in the cost of raw materials there was a £10k overspend within this service line.

In response to Councillor A. Kent, Bromsgrove District Council, with regard to 'Car Allowances' and if there were any incentives for electric/hybrid vehicles to be used. The Head of Regulatory Services commented that officers worked within the Terms and Conditions of the Host Authority, Bromsgrove District Council and that currently there were no incentives. The Technical Services Manager, WRS, further informed the Board that WRS had four vehicles used by the dog wardens and that due to the mileage used it was not deemed cost effective to switch to electric/hybrid vehicles.

RESOLVED:

- (a) that the final financial position for the period April – March 2019 be noted;
- (b) that the 2018/2019 refund of £63k to the participating Councils be approved, as follows:-

| Council | Refund from 2018/19 £'000 |
|-------------------|----------------------------------|
| Bromsgrove | 9 |
| Malvern Hills | 8 |
| Redditch | 11 |
| City of Worcester | 11 |
| Wychavon | 15 |
| Wyre Forest | 10 |
| Total | 64 |

8/19

WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT 2018/2019

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2018/2019. The report covered the performance of the service for the period 1st April 2018 to 31st March 2019.

The Head of Regulatory Services informed the Board that under the Shared Services Partnership Service Level Agreement (SLA) the Board was required to receive the annual report at its annual meeting.

The Head of Regulatory Services further informed Members that the report covered the performance of the service for that period, both in

terms of Key Performance Indicators (KPIs) and highlights of activity, with a short summary activity report, as detailed at Appendix 5 to the report. Appendix 5 to the report had been reduced since the Board now received a separate Activity and Performance Data report which provided more detail. Some detail of the performance indicators were also covered in the Activity and Performance Data report.

Generally performance had remained good. Food business compliance rates remained high. Taxi license renewals were dealt with in a reasonable time in the main. The taxi fleet appeared to be generally in good order, although the results from enforcement exercises suggested that some drivers / operators needed to improve in terms of maintaining vehicles.

Complaints against the service were significantly exceeded by compliments. It was understood that the main issue for complaints were related to either paying for the cost of stray dog recovery or the fact that WRS could not resolve an issue that was causing annoyance to a resident due to the law on nuisances. The latter appeared to be the main cause in the fall in customer satisfaction. Interestingly, the Department for Environment, Food and Rural Affairs (DEFRA) most recent survey of the public in relation to attitudes to noise had detected a statistically significant drop in people's tolerance of noise. This was something that WRS had seen anecdotally at local level and had reported to Board Members previously.

The indicators for licensed premises and noise complaints had been in place long enough now in order to establish good base-lines. The former showed that generally licensed premises in the County were well managed. The figures could now be used, along with intelligence, to focus enforcement resources in a proactive way to tackle any individual problem premises, although these were few and far between.

Most complaints related to minor nuisance issues, usually created when a venue introduced a novel activity like live music to diversify its activities. The rate of noise complaints was relatively low and probably reflective of the general environment in Worcestershire.

The Annual Report also provided a summary of the financial position, the key achievements and covered issues with regard to human resources; plus sections on risk management and equalities.

The Head of Regulatory Services and the Technical Services Manager, WRS, responded to questions from Members with regard to potential growth of the service and noise reporting.

The Head of Regulatory Services informed Members that the Technical Services team were the main income generators within the service and that further income generation was something that could be considered. Previous Board Members had expressed an interest in Business Planning and that was something that he was keen to arrange; a slightly

more informal event for Board Members during September / October 2019.

With regard to noise reporting, the Technical Services Manager, WRS, stated that there were dedicated front line staff and also self-help pages on the WRS website, which helped to make the service more cost effective. The issues were mainly domestic noise issues and not a statutory nuisance. If noise issues could not be resolved complainants were referred to (back-office) staff in order to try and resolve any noise issues.

The Head of Regulatory Services referred to The Members' Eye newsletter that was circulated to Board Members during 2018, which had provided a useful guide for Members on Statutory Nuisance. He further informed Members that he would ensure that a copy was circulated to all current Board Members for information.

In response to a further questions raised, the Head of Regulatory Services advised that the self-help process had removed a lot of early wins with regard to noise nuisance that had been resolved, hence a natural downfall. However, going forward, he and his management team would look to work more closely with colleagues at the partner authorities who may have other tools available to deal with issues, citing the Community Protection Notices available under the Anti-social Behaviour and Policing Act 2014 as an example of a measure that may help.

With regard to food premises scoring 2 or below on the 'Scores on the doors' food hygiene / food safety initiative, some of the issues were down to allergen awareness; with some management / staff not having sufficient understanding / knowledge of food allergens. This would have been rectified as part of the visit process but businesses would need to be re-scored later.

The Vice-Chairman thanked the Head of Regulatory Services, with some Members commenting that the results were good and that the service was an excellent service and that they could see the benefits of the service.

RESOLVED:

- (a) that the Worcestershire Regulatory Services Annual Report 2018/2019 be noted; and
- (b) that a copy of the Worcestershire Regulatory Services Annual Report 2018/2019 be forwarded to the Chief Executive, Managing Director and Members of the six partner authorities.

9/19

ACTIVITY AND PERFORMANCE DATA QUARTERS 1, 2, 3 AND 4

The Technical Services Manager, WRS, presented the Activity and Performance Data Quarters 1, 2, 3, and 4 report; and in doing so stated that the detail of the report focused on quarter 4 but the actual data

allowed comparison with previous quarters and previous years. The report also highlighted a number of headline stories.

Page 88 of the main agenda report detailed the Primary Authority work that was completed for quarter 4, to the satisfaction of the two companies that WRS had engaged with; namely CEMEX and Wienerberger.

Work to support planning officers across Worcestershire had kept the Technical Services team busy throughout the year with a significant increase in demand in quarter 4.

Air quality work had had a high profile nationally and this had been reflected in the work to improve air quality. Worcester City Council, Task and Finish Group (Air Quality) had researched into measures to tackle breaches of nitrogen dioxide in Worcester. The Task and Finish Group had concluded and had reported back to the Licensing & Environmental Health Committee in January 2019 with a number of measures tasked to different Council departments to progress.

In response to a question raised by Councillor Kent, Bromsgrove District Council, in respect of Noise Pollution and the information detailed on page 95 of the main agenda report, with regard to the specific number of different parties that had complained about noise pollution. The Head of Regulatory Services explained that he had spoken with the intelligence officer who would try and identify the different number of complainants and if possible include this information in future reports.

RESOLVED that the Activity and Performance Data report for Quarters 1, 2, 3 and 4, be noted.

10/19

WORCESTERSHIRE REGULATORY SERVICES ENFORCEMENT POLICY 2019

The Board considered a report that provided information on the proposed Worcestershire Regulatory Services Enforcement Policy 2019.

The Head of Regulatory Services explained to Members that in 2011, the then Worcestershire Regulatory Services (WRS) Joint Committee had agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. The policy was based on the requirements of the then Regulator's Compliance Code; the policy would not have contradicted any approach being taken by partners in other areas of enforcement such as planning.

In 2016, when the partnership became a district only arrangement, the Head of WRS had made some minor amendments to the policy and had asked Members of the Board to ratify the amended policy and to

recommend adoption of the amended policy by the six partner authorities.

It was important that Members were reminded of how decision making on enforcement took place and that Members approved the processes that WRS followed when dealing with such serious matters. Virtually all of the legislation the service dealt with had criminal sanctions as its ultimate end-point and Members needed to be happy that the processes being followed would apply such sanctions in the right circumstances.

Local authorities were encouraged to produce Enforcement Policies for many years so that those regulated knew and understood what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive; under the Legislative and Regulatory Reform Act 2006.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this had not changed since the last review, the Head of Service felt that by reviewing the policy every three years it would ensure that Members were aware of the processes that the service followed during regulatory decision making and that this would give them reassurance that the service was taking a fair and equitable approach when dealing with offending.

Before putting a case before the Courts, local authorities also needed to have regard to the Code for Crown Prosecutors, which laid down the very basic provisions for evidential sufficiency and public interest before a case could be considered a sound candidate to be taken to Court.

The policy, as attached at Appendix 1 to the report, met the criteria of both the Regulators Code and the Code for Crown Prosecutors, which should allow it to easily integrate with existing policies within each of the partner authorities and would allow WRS to operate in a consistent way across the county in relation to all enforcement matters.

By adopting a common approach to enforcing the functions discharged by WRS, partners would directly address these concerns of the business community and show that WRS remained a tool that local authorities could use to support their economies in a positive way.

In response to Members, the Head of Regulatory Services, clarified that the amended policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities.

RESOLVED that, the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report, be adopted to support decision making within Worcestershire Regulatory Services.

RECOMMENDED that, the Council for each Member Authority adopts the Worcestershire Regulatory Services Enforcement Policy 2019, as detailed at Appendix 1 to the report.

The meeting closed at 5.15 p.m.

Chairman