

Thursday, 6 October 2022

MINUTES

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WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 6TH OCTOBER 2022, AT 4.40 P.M.

PRESENT: Councillors T. Rowley (Chairman), S. Cronin (Vice-Chairman), H. J. Jones, P.L. Thomas, J. Raine, B. Nielsen, C. Mitchell (during Minute No's 17/22 and 18/22), D. Morris, L. Whitehouse and J. Thomas (substituting for Councillor N. Martin)

Officers: Mr. S. Wilkes, Mr. P. Carpenter, Mr. R. Keyte, Ms. K. Lahel, Mr. M. Cox, Mr. D. Mellors (via Microsoft Teams) and Mrs. P. Ross

Partner Officers: Mr. L. Griffiths, Worcester City Council and Mr. I. Edwards, Malvern Hills and Wychavon District Councils (both via Microsoft Teams)

The Chairman advised the Board that, having sought advice from the Council's Legal Advisor, having no Member representatives from Redditch Council meant that, under the Board's Service Level Agreement, it was not quorate and therefore any decisions made by the Board would require subsequent ratification at the next meeting of the Board for the decisions to be valid. It was noted however, that Agenda Items 5, 6 and 7 were reports for noting.

12/22

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

The following apologies for absence were received:-

Councillors N. Nazir and S. Khan, Redditch Borough Council and N. Martin, Wyre Forest District Council with Councillor J. Thomas, Wyre Forest District Council in attendance as substitute Member.

It was noted that apologies were also received from Mr. I. Miller, Wyre Forest District Council.

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DECLARATIONS OF INTEREST

There were no Declarations of Interest.

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MINUTES

It was agreed that, the minutes of the Board meeting held on Thursday 23rd June 2022, to be taken to the next meeting of the Board.

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**WORCESTERSHIRE REGULATORY SERVICES REVENUE
MONITORING APRIL - JUNE 2022**

The Interim S151 officer, Finance, Bromsgrove District Council (BDC) and Redditch Borough Council (RBC), introduced the report and in doing so drew Members' attention to the Recommendations as detailed on pages 15 and 16 of the main agenda report.

The Interim S151 officer, confirmed that the report covered the period April to June 2022.

Members were informed that the detailed revenue report, as attached at Appendix 1 to the report; showed a projected outturn 2022/23 of £5k refund to partners. It was appreciated that this was an estimation to the year-end based on the following assumptions: -

- A 2% pay award had been added to the projected outturn figures but was not included in the April to June 2022 actual figures.
- A number of employees were working on grant funded Covid-19 related work. This incurred agency staff costs due to the backfilling of these employees.
- If April to June 2022 spend on pest control continued on the same trend for the rest of year, there would be an overspend on this service of £6k. WRS officers would continue to monitor and analyse this spend and advise of any changes in the projected outturn figure at quarter 2. The projected outturn figure to be funded by partners was, as follows: -

| | |
|-----------------------------|-----|
| Wychavon District Council | £5k |
| Bromsgrove District Council | £1k |

- The following was the actual bereavements costs April to June 2022 to be funded by partners. These costs were charged on an as and when basis. Due to the nature of the charge, it was not possible to project a final outturn figure: -

| | |
|--------------------------------|-----|
| Bromsgrove District Council | £6k |
| Malvern Hills District Council | £4k |
| Worcester City Council | £5k |

This income was included in the income projected outturn.

- Appendix 2 to the report, detailed the income achieved by WRS for April to June 2022.
- Any grant funded expenditure was shown separate to the core service costs as this was not funded by the participating Councils.

WRS had budgeted for a 2% pay award in 2022-23. The current proposed pay award was £1,925 per annum on all pay points (pro rata for part time work,) and, if accepted, would create additional pressure on WRS salaries beyond the budgeted amount to the value of £115,756. The Head of Regulatory Services would be discussing this with the officer members of the Board prior to the Boards November's Budget setting meeting, in order to agree how to address the potential shortfall.

In response to a question with regard to Gull Control, the Technical Services Manager, WRS, explained that WRS had built an excellent reputation for the work it did for Worcester City Council on gull control, and that this had led to work for Bath and North-East Somerset Council, who had been struggling with this particular problem.

16/22

ACTIVITY AND PERFORMANCE DATA - QUARTER 1 2022/23

The Head of Regulatory Services presented the Activity and Performance Data for Quarter 1, 2022/2023 and in doing so highlighted the following key points: -

ACTIVITY DATA

The first quarter of 2022/23 saw WRS begin the year with no Covid-19 controls for the first time in two years.

The number of food safety cases recorded during quarter one was a reduction of 4% compared to 2021-22, but an increase of 55% compared to 2020-21. This demonstrated our return to normal activity post-pandemic. Generally, a higher proportion of food safety cases were enquiries such as requests for business advice or export health certificates, but some were complaints about a business. Based on the 144 complaints recorded, 84% related to issues with products purchased from food businesses, whilst 16% related to poor hygiene standards and practices.

A good number of visits were undertaken as WRS worked towards the end of the Food Standards Agency's roadmap in March next year. Of the interventions conducted at businesses included in the Food Hygiene Rating Scheme (FHRS), 7 were rated as non-compliant (0, 1 or 2) with most of these ratings issued to hospitality businesses.

The number of health and safety cases recorded during quarter one was consistent with 2021-22, but an increase of 42% compared to 2020-21. Again, this reflected the post-pandemic return to normality. Approximately 34% of cases were reports of accidents, with 50% relating to injuries where a worker had been incapacitated for more than seven days and 28% related to injuries to members of the public. The remaining cases were accidents, where major injuries were sustained, dangerous occurrences, and two fatalities. Slips, trips, and falls continued to be the prominent cause of accidents.

The number of stray or lost dogs recorded during quarter one, saw an increase of 18% compared to 2021-22, but an increase of 22% compared to 2020-21. Approximately 72% of cases related to 'contained' stray dogs, which meant that a dog had been found and held, usually by a member of the public. Overall, 68% of contained strays were reunited with their owners. However, figures varied significantly between partner authorities and, of course the others then must be re-homed by the charities that WRS worked with.

Licensing saw a return to normality, and the number of licensing cases recorded during quarter one saw an increase of 17% compared to 2021-22. There were significantly fewer licensing applications recorded two years ago due to Covid-19 restrictions and the closure of many hospitality premises, so we continued to see normality being restored. Approximately two-thirds of cases recorded during quarter one were applications and registrations; with 33% of those relating to temporary events, as hospitality venues began gearing up for the summer period. A further 25% related to private hire or hackney carriage vehicle licences, and 13% related to driver licences.

The number of planning enquiries completed during quarter one saw a reduction of 42% compared to 2021-22, but a reduction of only 4% compared to 2020-21. Approximately 90% of enquiries were consultations, whilst 50% related to contaminated land. Around a fifth of planning enquiries were completed, on a contractual basis, on behalf of other local authorities. Information requests, which often linked into the planning process were also down. However, things were picking up in quarter two.

The number of pollution cases recorded during quarter one saw a reduction of 8% compared to 2021-22, but a reduction of 22% compared to 2020-21. It should be noted that the increased number of cases two years ago coincided with COVID-19 restrictions and a greater number of residents being at home because of lockdown provisions. The totals were in line with seasonal variations. Approximately 75% of cases related to noise nuisances, with noise from domestic properties (such as from dog barking or noise from audio-visual equipment) the most prominent sources. A further 11% of cases related to smoke nuisances and issues such as the burning of domestic or commercial waste. This was very similar to the picture before the pandemic, so again hopefully a picture of returning to normality.

Performance

As always, reporting against the suite of indicators was more limited for the first quarter. The non-business customer measure at 55.6%, was down on the 61.6% figure at year-end last year and the 71% figure in quarter one last year. Although first response time scored, the time taken to deal with the issue, the overall outcome and whether people felt better equipped going forward, did not score well. The number of returns was low, but managers had been asked to investigate these figures. Satisfaction for business customers remained good at 98.7%.

Managers had been asked to look very closely at the non-business customer measure, as this needed to improve. Due to the nature of the work, you could not always please everyone with the outcome, but this did need to improve.

We also report overall numbers of compliant and non-compliant businesses at this point in the year, without the district breakdown. 98.4% of businesses were graded 3 stars to 5 stars on the hygiene rating scheme.

Compliments outnumber complaints by around 3:1 (30:10) similar to previous years.

Staff sickness was at 0.9 days per FTE, which was slightly above last year's figure for this period of 0.87 but still very similar to the 0.85 days per FTE from the same period in 2019. Another sign that we were back into more normal working.

The Chairman expressed his sincere thanks to officers for an informative report.

Councillor S. Cronin, Worcester City Council, stated that over the last couple of years smaller food premises had had to shed staff and probably hadn't picked up again. His concern was that with fewer staff were some jobs not being carried out on a regular basis. Were officers having to be more proactive in order to ensure that the majority of premises were managing their businesses appropriately?

The Environmental Health & Trading Standards Manager, WRS, responded and in doing so stated that this was a very astute observation, particularly if there were less cleaning staff. However, inspections were the same as pre-Covid-19. Recruiting staff had been difficult for businesses, and officers had noted that cleaning had been a problem; but 98% of businesses inspected still remained compliant.

Officers had carried out a number of 'swabbing' exercises during quarter one and had worked with premises to resolve any issues. Premises were not giving officers any difficulties at the moment.

The Head of Regulatory Services also commented that there had been a fall from high Food Hygiene Rating levels 4 and 5 to level 3. There had been some problems, but not huge; and these businesses had shown confidence to officers that they could manage, so there was no huge concern from officers.

Councillor L. Whitehouse, Wyre Forest District Council, asked a number of questions with regard to the frequency of food safety inspections and also premises displaying incorrect food hygiene ratings; or giving late paperwork as a reason for receiving a downgrading rating on their social media sites.

The Environmental Health & Trading Standards Manager, WRS, commented that Food Standards Agency (FSA), Food and Feed Codes of Practice, set out the frequency of food hygiene inspections; which could range from 6 monthly checks for high risk premises and 5 yearly checks for low risk premises. WRS were audited regularly by the FSA to check that the frequency of inspections were being met.

There was no legal requirement for premises to display their food hygiene ratings at their premises or on-line, but the details were available via the FSA website. Technical Officers did check the ratings being displayed at premises and if they had been downgraded that the correct rating was being displayed. So, officers were being proactive and he had notified the FSA that officers were being proactive in this way. To his knowledge he was not aware of other authorities being as proactive in also carrying out similar checks.

The Head of Regulatory Services further added that officers did not check social media sites and that any premises being downgraded from 5 to 1 food hygiene rating, would be due to a greater issue than late paperwork. Displaying a higher food hygiene rating than you had been awarded, was likely to mislead the consumer; and may constitute an offence under legislation enforced by the County Council's Trading Standards team. This was a risk for businesses that continued to do this, and he would ask Members to contact WRS officers if they were made aware of any businesses displaying an incorrect rating either at their premises or on social media, so that WRS could address this.

The Head of Regulatory Services reassured Members that the vast majority of businesses had 4/5 star ratings, so there was a high number of businesses that scored above 3. Generally, businesses were well run.

Officers further responded to questions with regard to the information provided on Noise, as detailed on pages 43 and 44 of the main agenda report. Officers clarified that page 43 detailed the current year information, 2022/2023.

17/22

UPDATE ON PROGRESS OF THE AUTOMATION PROJECT

The Licensing and Support Services Manager introduced the update report on the Automation progress and in doing so, drew Members' attention to the following: -

At the first meeting of 2022/23, Members agreed to create a reserve of £150,000 from last year's underspend to fund the implementation of automation of data entry for customers, enabling a range of services to be addressed by the client entering data in forms on the WRS website, which would then upload directly into our IDOX Uniform back-office system. This included the automation of payments for Licensing, so, our host authority Bromsgrove District Council would collect fees for the 6 partners authorities and pass money back to the other 5. Officers agreed to provide a short progress report at each Board meeting between then and the actual

implementation of the project.

The Summer holiday period got in the way of a very quick start to the project, but it was now moving forward. Wyre Forest District Council's IT team had been asked to provide project management support, as they hosted IT for WRS.

Calls were made to colleagues in other local authorities and conversations were still on-going to gauge first-hand experience of their journey in this area of work. The mid-Kent shared Licensing service have shared their experience of implementing the Victoria Forms package with IDOX Uniform. This was very informative. We had also had conversations with colleagues at Cheltenham Borough Council, who implemented a bespoke solution with IDOX, again to pass the information directly into their Uniform back-office system. A demonstration from Idox was delivered and a third system offered by Verso had also been viewed. Officers were provided with contacts for authorities where this last solution had been deployed and officers hoped to speak to them soon.

Contact had been made with the Procurement Officer at Bromsgrove District Council as our host authority, to look at the options for engaging with suppliers. There were two Government Procurement portals that offered the suppliers we were interested in. So, these were options that could now be pursued.

In response to questions from Councillor C. Mitchell, Worcester City Council, the Licensing and Support Services Manager stated that, officers were looking at systems that would integrate and would provide the best customer journey, by being input friendly. Officers had engaged with other Councils who had shared their experiences of how customers used the system and how user friendly they were. The customer journey was key, and this was shown by all three suppliers, that customers using their system was a priority.

18/22

INFORMATION REPORT - ENVIRONMENT ACT 2021, AIR QUALITY, AIR QUALITY GRANT SCHEME

The Technical Services Manager introduced the information report and stated that there was a lot happening in the air quality regime. Members were informed that 2022 had proved to be a busy year in terms of air quality and the purpose of this report was to provide Board Members with an update as to the legislative changes and the various work streams currently taking place.

Environment Act 2021

The Act arrived on the statute book in January which hailed 2 significant changes that impacted on WRS work on behalf of its partners.

Part 1 established the Office for Environmental Protection (OEP), which had their head office locally at Worcestershire County Council. The head office would be the new watchdog that oversaw the performance of

all UK regulators including the Government (post Brexit). The focus for Local Authorities (LA's) would be around serious failure to comply with Environmental Law. The OEP was also outward facing in terms of complaints and members of the public could also raise grievances regarding a perceived or suspected breach of environmental legislation.

Part 2 amended the present Local Authority Air Quality Management Regime (LAQM) and broadened the statutory responsibility for delivering air quality improvement in the areas, as detailed on page 59 of the main agenda report.

In terms of statutory reporting a further tightening had been introduced to ensure that authorities adhered to the timeframes (annual status reports, detailed assessments, and declarations of air quality management areas) and their locally set deadlines for air quality action planning. This came with the threat of ministerial directions should respective authorities fail to adhere to DEFRA's progressive deadlines.

Process of AQAP development must be a collaborative process with AQ partners. (County Council, National Highways), all engaging proactively.

WRS had submitted completed Annual Status Reporting for 2022 on schedule during June and had since received positive feedback following DEFRA review for all partners. However, the ministry made observations in relation to the age of the current Air Quality Action Plan (AQAP 2013,) and a recommendation was made that a review would be necessary in the next 12 months.

WRS had acted on this recommendation and had brought together key individuals to form a new county-wide officers' group that would collaborate on developing a new AQAP.

Defra Grant Scheme 2022

As detailed on page 60 of the main agenda report, 2022's grant scheme was split in two halves this year and LOT 2 had provided WRS with the opportunity to bid for funding for this scheme. WRS would be submitting a £276,000 bid to purchase and run 24 monitoring stations for 4 years. This would enable WRS to monitor any successes with work being actively monitored around schools and identified high risk areas. Members were asked to note that log burners were included in air quality.

Members commented that they were pleased to see that a lot was happening in the air quality regime and were delighted to receive the

information report. Councillor B. Nielsen Malvern Hills District Council briefly quoted the American Medical Journal information with regard to pollution levels being limit of 5 micrograms per cubic metre and the effect on health that this was having.

The Technical Services Officer responded to several questions raised by Board Members; and Board Members raised some concerns with regard to the following: -

- Meeting the World Health Organisation (WHO) guideline limit of 5 micrograms per cubic metre, as the current United Kingdom (UK) was 20 micrograms per cubic metre.
- Where would the Enhanced Monitoring Stations be located.
- Air pollution having a huge contributory factor for the NHS, with lung disease rising.

The Technical Services Manager further informed Members that there had been a positive response from the Steering Group and that the Director of Public Health's team had engaged for a while with his team. He would endeavor to provide the Board with updates at future Board meetings.

Monitoring would take place across the County but would focus initially where there were bigger issues and currently Worcester City had poor quality issues; areas of deprivation would also be included. To go beyond the Environment Act 2021 could prove difficult, but we were required to do certain things. If a partner authority required something more specific, they could talk to WRS officers, but this would be dependent on funding and staffing levels allowing additional work to be carried out.

In response to further questions from Members with regard to what powers and how these could be imposed by local authorities; the Technical Services Manager, WRS, drew Members' attention to Part 2 of the Environment Act 2021, as detailed on page 59 of the main agenda report.

The Technical Services Manager, WRS, responded to further questions with regards to congestion and problem areas (e.g. removing buses or closing car parks); Members asked how radical could solutions be?

Members were informed that it would be a case of looking at monitoring and going back to the science and the data obtained; then try and solve the issues with single / multi actions.

The Head of Regulatory Services reiterated that officers were working well with their county council colleagues and that it was important that these requirements were taken forward in a spirit of partnership working. With the new regime under the new Act and with a new agency in the Office for Environmental Protection, officers would not know how the whole thing would work until the Agency took on some of the challenges it would face. Given the new Agency was supposed to hold bodies to account, how it would consider the difficult financial environment faced by local authorities was something yet to be understood.

The meeting closed at 5.38 p.m.

Chairman