

MINUTES

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WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 5TH OCTOBER 2023, AT 4.30 P.M.

PRESENT: Councillors C. B. Taylor, H. J. Jones (Vice-Chairman), J. Raine, C. Palmer, L. Harrison, J. Kane, J. Riaz (Chairman), K. Lawrance (substituting for Councillor M. Allcott), B. Hardman, M. Goodge, T. Onslow and P. Harrison

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

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

13/23

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

An apology for absence was received from Councillor M. Allcott, Worcester City Council with Councillor K. Lawrance in attendance as the substitute Member.

(It was noted that Mr. I. Miller, Partner Officer, Wyre Forest District Council had given apologies).

14/23

DECLARATIONS OF INTEREST

There were no declarations of interest.

15/23

MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 29th June 2023 were submitted.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board meeting held on 29th June 2023, be approved as a correct record.

16/23

WRS REVENUE MONITORING APRIL - JUNE 2023

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 21 to 22 of the main agenda report.

The Interim S151 officer, confirmed that the report covered the period April to June 2023.

Members were informed that the detailed revenue report, as attached at Appendix 1 to the report; showed a projected outturn 2023/24 of £4k overspend. 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, as per the original budget. There was a reserved £120k from last year surplus to accommodate an enhanced pay award in 2023/24.
- If April to June 2023 spend on pest control continued on the same trend for the rest of year, there would be no overspend to be charged to partners on this service. WRS officers would continue to monitor and analyse this spend and advise of any changes in the projected outturn figure at quarter 2.
- The following were the actual bereavements costs April to June 2023 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	£2k
Redditch Borough Council	£3k

- Appendix 2 to the report, detailed the income achieved by WRS for April to June 2023.
- Any grant funded expenditure was shown separate to the core service costs as this was not funded by the participating Councils.

Fees and Charges increases were currently holding and slightly above where we needed to be.

The Head of Worcestershire Regulatory Services responded to a question from Members and in doing so stated that the 1% increase on salaries equated to approximately £60k.

The Technical Services Manager, WRS, explained that the Ukrainian Support Work – Bromsgrove & Redditch, as detailed on page 27 of the report, was to provide continued support to Bromsgrove and Redditch District Councils (BDC / RBC) Housing Teams, using the former COVID Advisors, who provided welfare checks, safeguarding and signposting for guests who came to the UK on the Homes for Ukraine scheme.

Marlpool – Redditch, this was an ongoing project whereby WRS on behalf of RBC had completed a Contaminated Land Investigation. A number of houses in Marlpool Drive, Redditch were situated on a former landfill site. Urgent remedial works to retrofit each building was

undertaken and costs for the additional electricity used, for the equipment installed to prevent landfill gas entering their properties.

Stray Dog Income – this was income generated by WRS providing ‘other’ dog related services to other authorities. The stray dog service continued to be incredibly busy with an ever increasing number of dogs received with welfare concerns.

The Head of WRS briefly explained that Bereavements costs were incurred where there were no relatives or no means to payment for a funeral, this was previously known as a ‘Paupers’ funeral. The number was relatively small, and the costs equated to approximately 5 burials over a three month period. Officers did their utmost to try and locate family members.

RESOLVED that the Board notes the final financial position for the period April – June 2023, and that

- 1.1 partner councils be informed of their liabilities for 2023-24 in relation to Bereavements, as follows:-

Council	Apr – June 23 Actual for Bereavements £000
Bromsgrove District Council	2
Redditch Borough Council	3
Total	5

- 1.2 partner councils be informed of their liabilities for 2023-24 in relation to three additional Technical Officers, as follows:-

Council	Estimated Projected Outturn 2023/24 Tech Officer Income Generation £000	Estimated Projected Outturn 2023/24 Tech Officer Animal Activity £000	Estimated Projected Outturn 2023/24 Gull Control £000
Redditch Borough Council	6	2	
Malvern Hills District Council	4	7	
Worcester City Council	6	2	65

Bromsgrove District Council	5	9	
Wychavon District Council	8	14	
Wyre Forest District Council	5	8	
Total	34	42	65

17/23

ACTIVITY & PERFORMANCE DATA - QUARTER 1 2023-24

The Technical Services Manager, Worcestershire Regulatory Services (WRS) presented the Activity and Performance Data for Quarter 1 – 2023/2024; and in doing so highlighted the following key points: -

Activity Data

Of the 370 interventions conducted at businesses included in the Food Hygiene Rating Scheme (FHRS) during Quarter 1, 11 were rated as non-compliant (0, 1 or 2). Over half of these ratings were issued to the hospitality sector (i.e. Pubs, clubs or takeaways).

Stray or lost dogs recorded by WRS during Quarter 1 showed a significant increase compared to the same periods in both 2021-22 and 2022-23 (50%/ 24% respectively). Officers had been suggesting this would happen for some time, with a combination of post-pandemic returns to work combined with the cost-of-living pressures, meant that keeping a dog was much harder for households compared with 2 years ago.

The seasonal increase in applications occurred in Quarter 1, as a significant number of hospitality businesses applied for Temporary Events during the summer months. Figures would suggest that this year's figures probably represented a balancing position, with businesses looking for fewer events than last year but still more than the year before heading out of the pandemic with an increase of 8% compared to 2021-22, but a reduction of 10% compared to 2022-23. Around 68% of cases logged were applications and registrations; with 30% relating specifically to temporary events, 27% relating to private hire /hackney carriage vehicles, and 14% relating to driver licences.

Performance

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

Compliments outnumbered complaints significantly, with the figure currently 34 to 4.

The Licensing and Support Services Manager responded to questions with regards to the recent WRS licensing enforcement night carried out for BDC with the police and the City of Wolverhampton Council. Board Members were informed that officers were liaising the police and the City of Wolverhampton Council to arrange further licensing enforcement nights for the other partner authorities.

Members commented that it was excellent news about the number of food businesses that had been graded 3 stars to 5 stars and could this be promoted.

Officers responded to further questions with regards to the noise nuisance information; and in doing so highlighted that some of the partner authorities urban centres were small with not a lot of residential properties in these urban centres. Data varied from year to year taking into account the ratio of complaints to occupation. Festivals being held could also dramatically increase the number of complaints received.

The Head of WRS further responded and explained that newsletters had been circulated on noise issues and legislation. The current framework did not meet the expectations of the public with domestic noise issues. However, residents were able to bring their own cases to court.

Members further stated that whilst they found the information, tables and graphs fascinating they did not show the officers workload or pressures being faced by the teams in WRS.

The Head of WRS stated that teams did carry out time recorded activities which provided a reasonable idea of the pressures within a team. The Environmental Health & Trading Standards Manager stated that a multi skilled team worked across all areas and responded according to demand, which was reviewed via monthly tasking meetings. The following were current pressures within the team: -

- Statutory Noise Nuisance – each officer carrying 70+ cases during the summer months.
- Health & Safety – 2 fatalities and 3 major investigations.
- Food recovery programme – with well over 5,000 food premises across the County needing interventions.

The Head of WRS and the Technical Services Manager further responded to questions about sewer baiting, and that WRS carried out intelligence led sewer baiting for Severn Trent Water at locations in the vicinity of commercial businesses / residential streets, where issues were being reported. Also, a number of partner authorities provided subsidised pest control services to residents in their area who were in receipt of certain benefits.

RESOLVED that the Activity and Performance Data Quarter 1 – 2023/2024, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

18/23

PROGRESS REPORT ON THE AUTOMATION PROJECT

The Licensing and Support Services Manager highlighted to new Board Members that at first meeting of the Board in 2022/23, Board Members had agreed to create a reserve of £150,000 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 the IDOX Uniform back-office system.

Following on from this, WRS officers agreed to provide a short progress report at future Board meetings on the implementation of the project.

Governance

At the last Board meeting held on 29th June 2023, Board Members had requested additional assurances around the governance of the project to ensure that the correct controls were in place. Members were informed that officers continued to use the Bromsgrove Project Framework as a mechanism for Project Governance and Management but had also introduced an extra level of scrutiny for sign off.

Officers had liaised with the councils' shared Audit service and had agreed that the Head of Worcestershire Regulatory Services, the Director of Finance and Wyre Forest District Council's ICT Manager would be responsible for sign off prior to any project go live milestones that were executed. Officers hoped that this provided Board Members with the assurance that these senior officers would be evaluating the situation independently and objectively, making any decision proportionate to the project.

In addition to this, colleagues from Audit would audit the financial elements of the project throughout to ensure that all safeguards were in place to mitigate any risks of monies being moved to the wrong place or account.

Progress

The testing and evaluation of forms continued. The project remained in the first testing phase whilst officers awaited the merchant ID number to enable on-line card payments, so progress to Stage 2 testing could

commence. Stage 1 testing had involved internal testing with different teams within WRS, using officers from across the service.

Alongside the testing phase a program of communications was being planned in conjunction with the district communications teams. It was envisaged that a soft launch strategy would be executed but stakeholder groups would need to be approached to ensure that the correct channels were used to provide information, whether this be through the district council websites or other means.

In parallel to the wider automation project, officers continued to assess the roll out of electronic ID Cards in the taxi trade for both safeguarding and enforcement measures. IT colleagues at Wyre Forest continued to work on the dashboard implementation. Once officers understood the timeframes of this in more detail, a plan would be executed for implementation across the County.

The Licensing and Support Services Manager responded to questions from Board Members with regards to ID Cards. Members were informed that every license holder would be required to carry an ID Card that was registered against their badge. These ID Cards could be scanned by officers when carrying out any enforcement activities, providing a quick method of checking the drivers' details and photo identity. Members of the public would be able to use their mobile phone to 'tap' ID Badges with the drivers details then being displayed on their mobile phone. It had been suggested that licensed drivers could display their ID Cards on the back of their headrests for ease of access for members of the public.

Members queried if the ID Cards would be suitable for members of the public who were visually impaired. The Licensing and Support Services Manager agreed to look into this.

Part 2 of the testing would take 4 to 6 weeks before going live. Officers would wait to see how the first forms worked before releasing any further forms, therefore the forms would be released in batches, starting with those where applications were more frequent.

The first stage of testing did use different internal teams within WRS, as initially this was seen as beneficial. However, Stage two testing would see external officers outside of WRS testing, with the possibility of Board Members also being involved in testing. The Licensing and Support Services Manager reiterated that the back office system needed to be live and correct, in that licensed driver's details were correct and updated live onto the system.

Members were disappointed with the length of time it had taken for officers to receive the merchant ID number. Officers highlighted that the merchant ID number had now been received and that not all of the delay had been caused by the 3 month wait for the ID number; additional governance had caused some delays.

The Licensing and Support Services Manager further responded to a query as to whether the project had had to be pushed back due to the additional governance involvement of the shared Audit service and if this had affected the original budget. Members were informed that the first stage of testing of forms had been pushed back from June/July to October; officers would now relook at the project plan.

The Chairman took the opportunity to thank officers and stated that the progress made on the Automation project was also down to the great work of the previous WRS Chairman and Board Members and this should be acknowledged. The safety of the travelling public, which included women and children, was paramount. The Chairman further stated that he hoped that a good news story would be rolled out before the Christmas period on this important project.

RESOLVED that the progress on the Automation Project, be noted.

19/23

ENFORCEMENT POLICY

The Head of Worcestershire Regulatory Services presented a report on the WRS Enforcement Policy 2023.

Board Members were informed that in 2011, the then Joint Committee had agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all its activities.

This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. Being 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 minor amendments to the policy and had asked Members of the Joint Committee to ratify the policy and to recommend adoption by the six councils.

Local authorities were encouraged to produce Enforcement Policies for many years so that those sectors they regulated knew 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 body 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.

As detailed in the report, the original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code had 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 WRS had felt that reviewing this policy every three to five years and bringing it back to Members, ensured that they were aware of the processes that the service followed during regulatory decision making and that this would provide Members with the reassurance that the service was taking a fair and equitable approach when dealing with offending. This was particularly important with the significant number of new members who had recently joined the WRS Board for 2023/2024; and probably even more relevant given the number of newly elected Members across the partners who are new to local government.

The Head of WRS further explained that before putting a case before the Courts, local authorities also needed to have regard to the Code for Crown Prosecutors, which lay down the very basic provisions in its two tests of evidential sufficiency and public interest before a case could be considered a sound candidate to be taken to Court.

Whilst WRS officers prepared the case file and evidence, with Team Managers or the Head of Service making recommendations on action, the delegation in relation to the instigation of legal proceedings meant that the final decision on whether a matter went to court sat with the relevant Head of Legal Services and their delegated officers. This separation mirrors what occurred between the Police and Crown Prosecution Service and ensured that local authorities complied with the separation of investigatory and prosecuting roles envisaged in the Criminal Procedure and Investigations Act 1996.

Improved consistency was something that businesses craved, so there was a level playing field for all of those in competition. Businesses had complained on occasion about the alleged inconsistencies in enforcement between local authorities, although the LGA had always challenged this and the responses containing real evidence had been limited. 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 previous years, WRS had asked Members to take this back to the partner authorities for adoption locally, so that it sat alongside any other enforcement policies operated by other enforcement services within the

partners, however in the absence of any changes to the document, this was not necessary on this occasion.

Members were asked to note that 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 the partner authorities so that the service could continue to operate in a consistent way across the County.

RESOLVED that the continued use of the Enforcement Policy 2023, as attached at Appendix 1 to the report, be agreed; in order to support decision making within WRS.

The meeting closed at 5.15 p.m.

Chairman