

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 5TH OCTOBER 2017, AT 4.30 P.M.

PRESENT: Councillors R. J. Laight, B. Behan, P. Witherspoon (substituting for Councillor J. Baker), A. Feeny, M. King, E. Stokes (Chairman), J. Smith and J. Hart

Partner Officers: Ms. A. Davey, Worcester City Council, Mr. V. Allison, Wychavon District Council, M. P. Merrick, Malvern Hills District Council and Mr. M. Parker, Wyre Forest District Council

Officers: Ms. J. Pickering, Mr. S. Wilkes, Ms. C. Flanagan, Mr. M. Cox, Ms. S. Garratt, Ms. K. Lahel, Mr. D. Mellors, Mrs. P. Ross and Ms. D. Parker-Jones

10/17 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors P. Whittaker, Bromsgrove District Council, J. Baker and B. Clayton, Redditch Borough Council and J. Squires, Worcester City Council.

It was noted that Councillor P. Witherspoon, Redditch Borough Council was in attendance as substitute Member for Councillor J. Baker.

11/17 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

12/17 **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 22nd June 2017 were submitted.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board held on 22nd June 2017 be approved as a correct record.

13/17 **WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL TO JUNE 2017**

The Board considered a report which detailed the financial position for the period 1st April 2017 to 30th June 2017.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council and Redditch Borough Council introduced the report and in doing so informed the Board that the report presented the final

financial position for Worcestershire Regulatory Services (WRS) for the period 1st April 2017 to 30th June 2017.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council and Redditch Borough Council informed the Board that there was a projected outturn underspend of £9,000, this was estimated to the yearend, and based on the current level of expenditure. There were a number of vacant posts within the service and these, together with savings from maternity leave, long term sick etc. had resulted in a projected underspend in salaries. This was offset by the costs associated with additional agency staff used to cover the vacancies, sick leave and to support the additional income generation. Officers would ensure that the reliance on agency cover would be as minimal as possible.

Members were further informed that as detailed in the report, there was an estimated overspend of £11,000 with regard to pest control. Officers would continue to monitor and analyse the impact on each partner authority, with the individual cost allocation being advised to partner authorities once the information had been analysed. It was proposed that in Quarter 2, partner authorities would be advised of their share of the actual cost to date.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council and Redditch Borough Council continued and drew Members' attention to Appendix 2 to the report; which detailed the income achieved by WRS during April 2017 to June 2017.

£73,000 worth of income had been received in Quarter 1 against a full year budget of £284,000. It was difficult at this early stage to give a clear picture of income outturn figures, however, if the same income trend continued for the rest of the year, the full year income target of £284,000 would be achieved. If the predicted potential level of income was achieved, the income figure would be exceeded. Officers remained confident that the additional income figure would be achieved.

The previous year's income had included sums from Worcestershire County Council, which made it difficult to identify any seasonal variations or similar potential changes that might impact on the volume of income achieved on a quarterly basis. Therefore there was some uncertainty at this stage on predicted outturn figures. WRS Team Managers would continue to closely monitor income and expenditure, with a clear picture being made available in Quarter 2.

RESOLVED that the final financial position for the period 1st April 2017 to 30th June 2017, be noted.

14/17

ACTIVITY AND PERFORMANCE DATA - QUARTER 1

The Board considered a report that detailed Worcestershire Regulatory Services Activity and Performance Data for Quarter 1, 2017/2018. The

report focused on Quarter 1 but the data enabled previous years to be compared.

The Technical Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that during the current assessment period:-

- WRS had recorded 396 cases relating to food hygiene and safety. This total was consistent with the previous quarter but an increase of 45.1% compared to the same period in 2015. The highest percentage of cases were enquiries (52.0% - 206 cases) and complaints about food products (31.6% - 125 cases). In addition to food safety complaints and enquiries, 293 inspections had been carried out across the county. This included premises in the Food Hygiene Rating Scheme. During this period 97.9% of rated premises across Worcestershire included in the Food Hygiene Rating Scheme were broadly complaint, whilst 2.1% were non-complaint; so there was no overall sign of businesses being less well run.
- WRS had recorded 225 cases relating to health, safety and wellbeing, an increase of 13.6% compared to the previous quarter. The increase followed a greater number of health and safety cases, but was not considered to be significant, given the relatively low number of cases overall. The highest percentage of cases were general enquiries relating to health and safety (22.7% - 51 cases) health and safety complaints (21.3% - 48 cases) and accident reports relating to an employee or self-employed person being away from work for over seven days (16.4% - 37 cases).

Members were further informed that cases relating to nuisance and public health had increased by 20.9% compared to the previous quarter and 26.5% compared to the same period in 2016. This was at a time of year when WRS had historically seen the beginnings of a spike in complaints that followed into the summer season. It was likely that a period of good weather in late May and June was the reason for the increase.

The Technical Services Manager, WRS, briefly informed Members that the Government's draft air quality management plan for the United Kingdom had been launched and that further information on this was included in Agenda Item Number 6 – Information Report – Air Quality Update 2017.

The team had worked closely with colleagues from Worcester City on the extension of the gull control campaign.

The Licensing Team had engaged in a number of other initiatives, which had included the launch of the Best Bar None and the first of the year's taxi enforcement evenings in Bromsgrove.

National Licensing Week carried out in June 2017 saw a number of joint visits undertaken with the Gambling Commission to licensed outlets across the county.

Business satisfaction remained excellent at 98.4%, but satisfaction for non-business customers was slightly down at 71.7%. This partly reflected some of the difficult cases that the team had had to deal with; and not always able to resolve problems. The 32 compliments received in Quarter 1 demonstrated that staff continued to deliver good outcomes for the public where they could.

The Technical Services Manager, WRS, drew Members' attention page 18 in the report, which provided details of the owner of a café in Redditch, who was successfully fined for breaches of food safety and hygiene regulations.

The Head of Regulatory Services, WRS, responded to Members and confirmed that in Northern Ireland and Wales it was mandatory for businesses to display their Food Hygiene Rating Scheme stickers. The Government and the Food Standards Agency were under pressure to make it a mandatory requirement in England.

RESOLVED:

- a) that the Activity and Performance Data report for Quarter 1, 2017/2018, as detailed at Appendix 2 to the report, be noted; and
- b) that Members use the contents of the Activity and Performance Data report for Quarter 1, 2017/2018, to report the relevant information to their Members at each partner authority.

15/17

AIR QUALITY UPDATE 2017 - INFORMATION REPORT

The Board received an Information Report - Air Quality Update 2017, the report provided an update on air quality, following recent national developments; which included the Department for Environment, Food and Rural Affairs (Defra), Air Quality Action Plan.

The Technical Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that District Council's had a duty to review and assess local air quality within their districts against a set of health based objectives.

Under European Union (EU) Directives the United Kingdom (UK) was required to comply with those objectives by 2015 and Defra had published the National Action Plan to demonstrate to the EU how the UK intended to comply. In the National Action Plan, six areas were required to put in place Clean Air Zones (CAZ); these were London, Birmingham, Leeds, Southampton, Derby and Nottingham.

The current National Action Plan focused on implementing CAZs in an additional 20 local authorities (Worcestershire authorities were not included).

The Local Air Quality Management process (LAQM) was the local authority role with air quality, as set out in Part IV of the Environment Act 1995; and subsequent Technical Guidance and Policy documents. There were a number of health based objectives for pollutants but for Worcestershire it was nitrogen dioxide which was the pollutant of concern.

The objectives for nitrogen dioxide were an annual average of 40 microgrammes per metre cubed for a residential property or school and a one-hour average of 200 microgrammes per metre cubed for a property where someone would realistically spend an hour, such as the outdoor seating area of a café or a playground.

The Technical Services Manager, WRS, continued and informed Members that WRS reported on the current situation, annually to Defra, on behalf of all districts.

Where a breach of the objective had been identified there was a requirement for the local authority to declare an Air Quality Management Area (AQMA). WRS monitored air quality around the district and where an area of concern was identified an assessment was carried out. Following declaration, there was a requirement to produce an action plan, to update that plan with progress and to report to Defra annually.

There were currently 10 AQMA's in Worcestershire and a Countywide Air Quality Action Plan which covered all but one of these.

The focus of recent Defra Guidance to local authorities was aimed at delivering the measures to improve air quality included in their local Action Plans.

The Technical Services Manager, WRS, drew Members' attention to pages 48 to 50 in the report, as this provided Members with an update on each of their local areas.

The Technical Services Manager, WRS, responded to questions from Members and briefly explained that an exceedance was where for a period of time the concentration of an individual pollutant(s) was higher than that set out in the Air Quality Standards. Exceedances were reported annually, but those exceedances only related to a relevant receptor, such as a residential dwelling. Levels above the standard where there were no residential properties, such as fields or industrial units, would not represent an exceedance of the standard.

RESOLVED:

a) that the Information Report - Air Quality Update 2017, be noted; and

- b) that Members use the contents of the report, to report the relevant information to their Members at each partner authority.

16/17

FOOD STANDARDS AGENCY AUDIT 2017

Following on from the Worcestershire Regulatory Services Board meeting held on 22nd June 2017, whereby Members received a verbal update on the Food Standards Agency Audit; the Board received a report which provided detailed information on the Food Standards Agency Audit of Worcestershire Regulatory Services (WRS) undertaken on 24th and 25th May 2017.

The Head of Regulatory Services, WRS, introduced the report and in doing so informed Members that the Food Standards Agency (FSA) was the national competent body for food law enforcement in England. Unlike many national regulators, the FSA always had a limited role in enforcing the law. Its main role was the promotion of better standards in the food industry and the oversight of local authorities which dealt with food law enforcement in their areas.

In two tier areas, food law enforcement was split between Worcestershire County Council (food composition / labelling and animal feed) and district councils (food hygiene / safety).

All local food authorities had to complete an annual data return to the FSA on their activities. The FSA then used that data to report back to the European Union (EU) on food law enforcement; effectively being required to demonstrate that the United Kingdom (UK) enforcement was meeting the requirements of the relevant harmonised EU directives.

The FSA also conducted routine audits of activity being undertaken by local authorities. These audits could be focused on particular areas of activity or they could cover the whole range of work undertaken by an authority.

The Head of Regulatory Services, WRS, highlighted that this was the first time that WRS food activity had been subject to the audit process.

When WRS was developing its Systems Thinking approach, the then Head of WRS had met with the FSA; and the service was given some leeway in order to explore new approaches and time for the new database system to be in place and functioning. Hence the FSA not auditing WRS until 2017.

Two auditors from the FSA visited WRS on the 24th and 25th May 2017. Their focus was on the broad delivery of food hygiene interventions by the service on behalf of Wyre Forest District Council. The FSA could only audit individual local authorities it could not audit the service as a whole.

However, officers were able to refer to work carried out on behalf of other partner authorities, where they had not carried out a particular activity on behalf of Wyre Forest District Council. This was helpful in demonstrating the broad competence of the service.

During the two day audit process, the auditors worked with the Food Lead Officer and the Database Administrator. They appeared to be very impressed with the levels of reporting being generated from the system. Officer training records were reviewed to ensure that the competency requirements were being addressed. Officer authorisation processes and the scheme of delegation also formed part of the review process. The Community Environmental Health Manager was also engaged with the process.

The Food Lead Officer was in the process of documenting the current approach to qualitative monitoring and would develop a fuller programme which would be included in the 2018/2019 Worcestershire Regulatory Services, Service Plan.

Other actions resulting from the audit included updating the WRS Operating Principles document, as detailed on page 53 in the report.

The Head of Service further informed Members that he was present for the initial and closing meetings on each day.

Generally the auditors were happy with what WRS was achieving and that the service was delivering the required official food controls regime in the spirit of the EU Directive and in a manner that fitted with the FSA's current policy; focusing on supporting legitimate traders and using information and intelligence to tackle the rogues and those who were less willing to meet standards.

The auditors noted the section in the most recent WRS Business Plan, which indicated that the service was operating at close to the minimum numbers required to deliver services and they were pleased that this had been flagged to Members and that Members appeared to have acknowledged this.

No areas of significant concern were identified and the actions recommended were relatively straightforward to put in place.

The auditors did however make a number of key areas for improvement, as detailed on pages 52 and 53 in the report, which officers had already begun to resolve.

The Head of Regulatory Services, WRS, highlighted to Members that the FSA were currently looking to radically change the way food law enforcement was undertaken through its "Regulating the Future" review; and it seemed clear that the approach to these activities being used by WRS fell in line with the new approach being developed by the FSA.

So, yet again the Worcestershire Authorities were ahead of the curve in innovation in relation to service delivery.

The Chairman asked for it to be noted that it was brave of WRS and partner authorities to have been so innovative.

RESOLVED that the Food Standards Agency Audit 2017 report be noted.

17/17

PRIMARY AUTHORITY REVIEW - VERBAL UPDATE

The Business and Relationships Manager, Worcestershire Regulatory Services (WRS) provided the Board with a verbal update on Primary Authority.

The Business and Relationships Manager, WRS informed Members that as of the 1st October 2017, Regulatory Delivery had made changes to Primary Authority. The Enterprise Act 2016 included measures to extend and simplify Primary Authority enabling all United Kingdom (UK) businesses to benefit, including pre-start-up businesses.

Summary of key changes:

- Fewer eligibility criteria, enabling businesses trading in one local authority area and those who were not yet trading to access assured advice.
- Simpler access to advice through coordinated partnerships.
- A more structured role in Primary Authority for public bodies with a regulatory or supervisory role across the UK (national regulators).
- Streamlining the Primary Authority processes.

As from 1st October 2017 every UK business was able to access advice they could trust from one place.

Through Primary Authority, businesses could form a statutory partnership with a local authority, which provided them with assured advice which other regulators had to follow.

Primary Authority provided local regulators with a highly effective tool to improve compliance and build better relationships with businesses, whilst aiding economic growth.

The Business and Relationships Manager, WRS, further informed the Board, that all WRS direct partnerships were either signed up to the new terms and conditions or were in the process of doing so.

Officers were in conversation with three direct partnerships and one co-ordinated trade association partnership. Meetings had been scheduled to liaise with them with regard to signing up as a Primary Authority.

An internal Primary Authority Review was carried out this year. WRS had decided to change the way Primary Authority was negotiated as from January 2018. This was from both a business perspective and from an income generation/ accounting perspective. The review found that WRS was working reactively. Therefore meetings had been scheduled as from October 2017, with each Primary Authority, initially to go through the recent Primary Authority changes, but also to work with each Primary Authority to look at what they needed from WRS over the next 12 month period. Therefore giving WRS a better understanding of resource allocation and to see how much income was expected to be generated from Primary Authority partnerships.

At the request of the Chairman, the Head of Regulatory Services, WRS, briefly explained that Primary Authority was a statutory scheme established by the Regulatory Enforcement and Sanctions Act 2008 (the RES Act). It enabled eligible businesses to form a legally recognised partnership with a single authority in relation to regulatory compliance. The local authority was then known as its 'Primary Authority'. The scheme made it easier for business's to comply with regulation and to operate in the United Kingdom.

There were two types of partnership, 'direct' and 'co-ordinated'. The term 'direct partnership' was used where the business accessed the scheme by virtue of being regulated by more than one local authority or traded across different authority boundaries. The term 'co-ordinated partnership' was used where the business accessed the scheme by virtue of the fact that it shared an approach to compliance with other businesses, for example a trade association that provided regulatory guidance to its members.

RESOLVED that the Primary Authority verbal update from the Business and Relationships Manager, Worcestershire Regulatory Services, be noted.

18/17

CHAIRMAN'S UPDATE

At this stage in the meeting the Chairman informed the Board that she was delighted to have been invited to attend the Chartered Institute of Environmental Health, Excellence Awards Ceremony, on 2nd November 2017. WRS had been shortlisted in the Outstanding Environmental Health Team award category; comprising of the Community Environmental Health Division and the Technical Services Division.

The Technical Services Manager, WRS, informed the Board that Chris Poole, Senior Technical Officer, WRS, had also been shortlisted, at the same award ceremony, for an Environmental Hero (Air Quality) award.

The Chairman commented that she would endeavour to update Members on the outcome of the award ceremony at the next Board meeting.

The meeting closed at 5.25 p.m.

Chairman