

**WORCESTERSHIRE DISTRICT COUNCILS**

**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD**

**THURSDAY, 4TH OCTOBER 2018, AT 4.30 P.M.**

PRESENT: Councillors R. J. Laight (Chairman), J. Owenson, G. Prosser (Vice-Chairman), J. Squires, A. Feeney, M. King, J. Smith and J. Baker

**Partner Officers:** Mr. P. Merrick, Malvern Hills District Council. Mr. V. Allison, Wychavon District Council and Mr. M. Parker, Wyre Forest District Council.

Officers: Ms. J. Pickering, Mr. S. Wilkes, Ms. C. Flanagan, Mr. M. Cox, Mrs. S. Garratt, Ms. K. Lahel, Mr. D. Mellors, Mrs. P. Ross and Ms. F. Mughal (observing)

12/18

**APOLOGIES**

Apologies for absence were received from Councillors B. Behan, Malvern Hills District Council, J. Fisher, Redditch Borough Council and E. Stokes, Wychavon District Council.

Apologies for absence were also received from Ms. A. Davey, Worcester City Council.

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**DECLARATIONS OF INTEREST**

No declarations of interest were received.

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**MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 21st June 2018 were submitted.

Referring to discussions at the previous meeting, it was agreed to note that, Councillor J. Squires, Worcester City Council had raised the subject of Cross Border Taxi Hiring under any other business. Councillor J. Squires was informed by the Chairman that it was not appropriate to raise this item before the Board as it was outside of the Board's role in the oversight of the shared service provision by WRS on behalf of the six districts. The Chairman therefore suggested that it would be more appropriate for Councillor Squires to discuss the subject with the political leadership as a matter of cross border liaison between Leaders.

**RESOLVED** that the minutes of the Worcestershire Regulatory Services Board held on 21st June 2018 be approved as a correct record, subject to the amendment as detailed in the preamble above.

15/18

### **BUDGET MONITORING QUARTER 1 - APRIL TO JUNE 2018**

The Board considered a report which detailed the final financial position for Worcestershire Regulatory Services (WRS) for the period 1st April to 30th June 2018.

The Executive Director, Finance and Corporate Resources, Bromsgrove District Council (BDC) and Redditch Borough Council (RBC) introduced the report and in doing so drew Members' attention to Appendix 1 to the report; and the salary figures, as detailed on page 15 of the main agenda pack. This showed a projected outturn overspend of £16,000. This was due to the recruitment of a technical officer on a 2 year contract, to support delivery of additional income generation via Primary Authority work. It was agreed by Partner Officers of the Board that this cost would be funded by the partner authorities. Taking the additional cost of £20,000 into consideration, this would show a projected outturn saving of £4,000. Officers had yet to include this funding from partners in the income calculation, but this would be included in Quarter 2.

Members were asked to note that service managers had made an investment of £8,000 for equipment to support the monitoring of nuisances related to dust, smoke and similar particulate matter. This had been particularly helpful this summer as the good weather had created some significant issues with building sites close to existing housing development. Given the level of development envisaged across Worcestershire in the coming years; managers were confident that this would be a very useful addition and would provide a potential income generation opportunity by offering this service to neighbouring authorities.

It was appreciated this was an estimation to the year-end based on the current level of expenditure, with the assumptions made, as detailed on pages 12 and 13 of the main agenda pack.

Appendix 2 to the report detailed the income achieved by WRS from April to June 2018.

The Head of Regulatory Services, WRS, responded to questions from Councillor A. Feeney, Worcester City Council with regard to the Bereavements / Public Burials costs; and explained that under the Public Health Act Funerals Procedure, District Council's had a legal duty to make funeral arrangements for anybody who died within their boundary where no other arrangements were being made or were likely to be made. WRS would consider the most cost effective way to deal with all aspects of the funeral and would then recharge each relevant partner authority.

The Technical Services Manager, WRS, responded to questions from Councillor G. Prosser, Redditch Borough Council (RBC) with regard to Appendix 2, Income from Partners, Marlpool – Redditch.

Members were informed that 18 houses in Marlpool Drive, Redditch had been identified as being situated on Contaminated Land, namely gas methane and carbon dioxide. Urgent remedial work was undertaken and a successful application was made by WRS on behalf of RBC to DEFRA for the funding of the urgent remedial works. RBC agreed a contribution to the occupier (of each of the 18 properties) to assist with the electrical costs of running the units installed in their property.

The Head of Regulatory Services, WRS, responded to a question from Councillor M. King, Wychavon District Council with regards to an overspend on ICT; and informed Members that this was due to the timing of the licences being renewed. The Head of Regulatory Services, WRS, agreed that this should be noted in Quarter 2 and that future budgets would be amended in order to take the renewal date of licences into account.

**RESOLVED:**

- (a) that the final financial position for the period 1st April to 30th June 2018 be noted; and
- (b) that partner authorities be informed of their liabilities for 2018-2019 with regard to Bereavements, by Section 151 Officers, as follows:

<b>Council</b>	<b>April – June 2018 Actual for Bereavements £'000</b>
Redditch	5
Malvern Hills	3
Worcester City	6
	<b>14</b>

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**ACTIVITY AND PERFORMANCE DATA QUARTER 1**

The Board considered a report that detailed Worcestershire Regulatory Services Activity and Performance Data for Quarter 1, 2018/2019.

The Business and Relationships Manager, Worcestershire Regulatory Services (WRS) asked Members to note that the information provided was for Quarter 1 and not Quarter 4, this was an error in the report.

The Business and Relationships Manager, WRS, continued and informed Members that the number of dogs seized had increased in Quarter 1, however, only at levels in line with the same period in previous years. The number of dog related complaints in this quarter was below the level in the same period in the last two years. It was

hoped that this was a reflection of the work carried out to educate dog owners through publicity and that this trend would continue.

Food complaints / service requests started low in April but soon climbed to the normal levels expected for this time of year. Inspection numbers were slightly down for the period due to the range of other work being carried out. This would be picked up later in the year.

Health and safety enquiries and complaints / service requests remained at or were below the same period in the previous two years. However, the number of workplace accidents reported on the RIDDOR (Reporting of Injuries, Disease and Dangerous Occurrences Regulations 2013) system was slightly higher for Quarter 1 than for the same period in previous years.

There was a large peak in information requests in May, mainly under Freedom of Information (FOI) and Environmental Impact Assessment (EIA). This had stretched management capacity in responding to them within the required deadline. Fortunately the number of requests had fallen to normal levels in June.

Data on licensing complaints / service requests and application was now showing distinct seasonal patterns and Quarter 1 followed that trend.

The number of requests for support from planning colleagues was up in Quarter 1 which suggested an increase in activity compared to last year. In all of the three months the numbers of requests were above the level for 2017/2018 and June hit the same level as the peak in 2016/2017.

Nuisance complaints were on trend for Quarter 1 with no obvious unusual peaks.

The Business and Relationships Manager, WRS, drew Members' attention to the way in which data about noise complaints from wards was now being presented to the Board. A slightly different approach had been taken with officers looking at the rate of complaint in relation to ward population. Therefore, a smaller ward with a high rate of complaints from its residents was more likely to feature, as detailed on page 39 of the main agenda pack.

The number of sick days per staff members was 3.55 days per Full Time Equivalent (FTE) which was higher than hoped for, but reflected the information reported last year in relation to several staff members having planned surgery. All of whom had now returned to work and managers were hoping to see less of an increase in Quarter 2.

The proportion of broadly compliant food businesses in Quarter 1 was 98.2%. Those with a Food Hygiene Rating score of 0-2 stars was 1.8% for Quarter 1.

The proportion of driver licenses for hackney carriage and private hire renewed within five working days of full application during Quarter 1 was 86.6%.

Only 6 corporate complaints were received in Quarter 1. These were mainly about issues with dogs, as against 22 compliments being received in the same quarter.

The rate of noise complaints per 1000 head of population was 0.88 for Quarter 1. The yearly average was between 3 and 4 and the busiest period was during the summer months, so this felt like a fairly normal position for this stage in the year.

The proportion of licensed premises alleged to be non-complaint with the four licensing objectives was 2.6%. The annual average was 5 - 8%.

A district by district breakdown for the last two measures, as detailed above would be provided to Members at the end of Quarter 2.

The Chairman and Members thanked the Business and Relationships Manager, WRS, and commented that it was an excellent report.

**RESOLVED** that the Activity and Performance Data report for Quarter 1, 2018/2019 be noted.

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### **INFORMATION REPORT - CHANGES TO THE ANIMAL RELATED ACTIVITIES LICENSING REGIME**

The Board received an information report on the legislative changes and new regime for the licensing of animal activities, under the newly implemented Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, which came into force on 1st October 2018. These regulations were made under the Animal Welfare Act 2006 and replaced the licensing regime and legislation currently in place.

The Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that each district council was currently responsible for functions in relation to the licensing and regulation of various animal-related activities. WRS carried out these functions on behalf of each partner authority. These licensing regimes were being amalgamated into a single licence type with each aspect becoming a specific activity named on the "Animal Activity Licence".

The new regime was designed to bring these activities into the 21st century and reflected the Government and the public's concern to ensure that animal welfare was paramount in the operation of these businesses.

The new regulations were made under the Animal Welfare Act 2006, which was designed with the RSPCA's concept of the 5 Freedoms at its heart:-

**Freedom from Hunger and Thirst:** By ready access to fresh water and a diet to maintain full health and vigour.

**Freedom from Discomfort:** By providing an appropriate environment including shelter and a comfortable resting area.

**Freedom from Pain, Injury or Disease:** By providing appropriate preventative measures, along with rapid diagnosis and treatment.

**Freedom to Express Normal Behaviour:** By providing for species specific requirements with respect to space, enrichment and social needs.

**Freedom from Fear and Distress:** By ensuring species specific conditions and treatment which avoid mental suffering.

Whilst the previous regimes had regard to these matters, they were not embedded at the heart of each one. The new changes would require officers to be better equipped to make judgements about what they see at licensed premises and the associated inspection regime would create a significant increase in workload for the service.

Members were further informed that under the regulations the existing licensing scheme for animal boarding establishments, pet shops, riding establishments and dog breeders would be repealed and replaced by a new single licensing scheme that would regulate all of these activities and would also incorporate the licensing of those who train or exhibit performing animals.

Members were asked to note that licences to operate a zoo or to keep a dangerous wild animal were not included in these changes and would remain a separate licence in their own right.

Page 55 of the main agenda pack detailed the new categories covered and some of the main differences in the new licensing scheme.

In order for these changes to be facilitated and implemented, all six Worcestershire District Councils would need to agree for the relevant items to be incorporated into the Worcestershire Shared Services Agreement and Statement of Partnership Requirements.

Members were asked to note that five of the district councils had met and had made recommendations to their respective Councils; all five partner authorities had resolved to approve those recommendations. Malvern Hills District Council was due to consider the recommendations from their Executive Committee at their Council meeting on 30th October 2018.

All current licence holders had been contacted in writing. Officers were also reviewing what additional activities might now be subject to a licence where one would not have been required previously.

It was anticipated though that a number of businesses which were previously outside of the scope of the old regulatory regimes would now be covered and those running such businesses would need to apply for a licence and would be subject to the inspection regime under the new legislation.

Members were further informed that each application would have to have an inspection visit prior to the issue of a licence.

There would be a lead in period after 1st October 2018 with businesses moving over to the new system as and when their existing licences expired.

The proposed fees and charges, as detailed at Appendix A to the report, had been calculated on a full costs recovery basis. The proposed fees and charges did represent a significant increase but this was due to the extra work that would have to be undertaken and the cost of engaging an additional officer.

The Licensing and Support Services Manager, WRS, highlighted that individual guidance had been issued for each licensable activity and there would be three levels of conditions for applicants to comply with; standard conditions, higher conditions and extra higher conditions. This would be linked to a star rating system and to a risk rating. The level of risk would determine the number of inspections required each year for any business holding a licence, with most businesses receiving at least two inspections a year. Business owners would be required to display their star rating to the public.

Currently travelling circuses were exempt from the new legislation.

The Head of Regulatory Services, WRS, reiterated that the new regime had been very clear from the outset that there was a need to improve animal welfare and that the new regime would ensure this. There were huge changes taking place as to how animal activities were conducted, this would create extra additional work for officers. Initial queries into licences could result in some complaints being received about the fees charged. Partner authorities were right to deliver the new licensing of animal activity regime.

In response to questions from Members the Licensing and Support Services Manager, WRS stated that each business would be charged a single application fee and then licence fees would be added depending on the activities carried out by the business. Officers were fully aware of all of the premises currently licensed and had recorded all enquires

made from businesses not currently licensed but had queried the need for a licence under the new regime.

In respect of premises currently licensed, 160 premises needed to be processed and an inspection conducted before their licences expired on 31st December 2018. Officers would take a common sense approach. Some premises under the new regime may also require a separate vet inspection to be carried out. Therefore officers would not look to enforce anyone waiting for such an inspection; a relevant interim contingency would need to be adopted.

With regard to traders attempting to go 'underground', officers would keep track of any premises that had made enquiries about a licence and were not currently licensed. Officers would also carry out an intelligence drive, by looking at internet advertising, other means of social media and information from pet industry federations, for anyone not licensed under the new regime but carrying out licensable animal activities.

**RESOLVED** that the Licensing of Animal Activity Information Report, be noted.

18/18

### **INFORMATION REPORT - ENVIRONMENTAL PERMITTING**

The Board received an information report on Environmental Permitting.

The Technical Services Manager, WRS, introduced the report and in doing so informed Members that WRS undertook the Local Authority statutory duties relating to the Pollution Prevention and Control Act 1999 (referred to as the Environmental Permitting Regime) for the six Worcestershire Districts under the current Statement of Partner Requirements and also for Gloucester City as a contractor.

These matters seldom came to the attention of Members due to the technical complexities involved, but with industrial pollution control currently having a higher profile; officers thought it would be helpful to give Members a better understanding of the regime and what WRS carried out on behalf of partner authorities.

Page 61 of the main agenda pack detailed the three levels of permit control under the regime.

Businesses required to be permitted were expected to submit an application form with the appropriate fee, which varied depending on the process being operated. Officers then worked with the business to determine the controls required as part of the process. Following the issue of a permit, each business was subject to inspections whose frequency was dictated by a risk rating. The risk rating was dependant on the type of process being operated and the level of confidence in



compliance that risk assessing officers had in the management of the business.

All fees were set by central government and were collected by the Partner Authority or, in the case of Gloucester City, WRS client authority.

#### Small Waste Incineration Plant (SWIP) and the Renewable Heat Initiative

There had been considerable confusion nationally within both the combustion sector and local enforcement authorities with regard to the permitting of these installations. This had resulted in the use of inappropriate equipment to burn controlled waste streams.

Such processes should be regulated by an A2 permit issued under Schedule 13 of the legislation. WRS had assisted neighbouring authorities where it had been identified that either an incorrect permit had been issued or where waste fuel had been issued illegally by businesses but generally through ignorance rather than design.

Smoke and odour issues could sometimes be caused by the operation of legitimate virgin wood boilers (more commonly known as biomass boilers). These appliances should not be mistaken for SWIPs, which were designed specifically to burn waste, which included waste wood products and not virgin wood.

WRS had worked very closely with the Environment Agency (EA, which regulated the waste industry) and WRS officers who delivered the scheme had a good working knowledge. WRS's Technical Pollution team had been recognised nationally and officers were engaged at this level in a number of areas. Members of staff currently sat on the EA's technical regulation board for the following sectors:-

- Nonferrous Metal
- Timber Processes
- Medium Sized Combustion Plant Directive
- Schedule 13 SWIP's (Small Waste Incineration Plant's)

During 2017 WRS started looking at the potential of delivering Primary Authority assured advice generally on Environmental Permits. Previously only advice on simple petrol vapour recovery had been subject to this approach.

WRS had recently agreed Primary Authority work programmes with two large national / international companies; CEMEX UK and Wienerberger UK Limited. A two year fixed-term post had been created in order to provide capacity to deliver this work.

Officers were also undertaking an audit for the Ministry of Defence and were currently chasing other scopes.

In summary WRS had secured 50% of their Primary Authority Contracts this financial year.

The Chairman reiterated that, as highlighted in the report, the work of WRS's Technical Pollution team had been recognised nationally and that guidance produced by WRS officers also being taken up nationally. This national recognition was an achievement that WRS officers should be extremely proud of.

Members agreed with the positive comments made by the Chairman and stated that it was an excellent start to the year.

At the invitation of the Chairman the Head of Regulatory Services, WRS, stated that the Technical Services Manager, the Business and Relationships Manager and both of their teams had pulled all of the Primary Authority work together. Other areas that could be exploited would be looked into and officers would continue to deliver an excellent service.

**RESOLVED** that the Environmental Permitting Information Report, be noted.

The meeting closed at 5.15 p.m.

Chairman