

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 17TH NOVEMBER 2022, AT 4.30 P.M.

PRESENT: Councillors: T. Rowley (Chairman), S. Cronin (Vice-Chairman, during Minute No's 24/22 to 27/22), H. J. Jones, P.L. Thomas, S. Khan, L. Harrison (substituting for Councillor N. Nazir), J. Raine, B. Nielsen, C. Mitchell, D. Morris and N. Martin

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

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

19/22 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillor N. Nazir, Redditch Borough Council, with Councillor L. Harrison in attendance as the substitute Member; and Councillor L. Whitehouse, Wyre Forest District Council.

20/22 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

21/22 **MINUTES**

The minutes of the meetings of the Worcestershire Regulatory Services Board held on 23rd June and 6th October 2022, were submitted.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board meetings held on 23rd June and 6th October 2022, be approved as correct records.

22/22 **WRS BOARD AGENDA PAPERS FROM 6TH OCTOBER 2022**

The Head of Regulatory Services reminded the Board that the meeting of the Board on Thursday 6th October 2022 was not quorate due to unforeseen circumstances impacting on one Board Member, which had resulted in one partner authority not being represented at the meeting.

Having discussed all options with the Council's Legal Advisor and Head of Regulatory Services, the Chairman determined that the meeting would go ahead in order to avoid wasted journeys; having noted that no papers on the agenda required a formal vote for decision, they were all simply for noting. Members who were in attendance were then able to ask questions of the officer's present on the reports presented and a broad ranging discussion of the issues raised took place.

However, in order to address what was effectively outstanding business, this report introduced those previously scheduled papers as background papers; in order for them to be formally noted by the Board and to agree the minutes of the previous meeting held on 23rd June 2022.

The reports that were presented to Board Members on 6th October 2022, were included as background papers, with the agenda distributed for 17th November 2022.

Thus, enabling those Board Members who were not in attendance to address their contents and to ask any questions during today's meeting.

RESOLVED that the Board papers report for 6th October 2022 be noted, and that the relevant recommendations in each of the reports as detailed in the background papers as provided, be noted.

23/22

WRS REVENUE MONITORING APRIL - SEPT 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 27 to 29 of the main agenda report.

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

Members were informed that the detailed revenue report, as attached at Appendix 1 to the report; showed a projected outturn 2022/23 of £1k 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 April to September Actual and projected outturn figures.
- Agency staff costs were being incurred due to backfilling of staff working on grant funded work and other contractual work e.g., food recovery programme, contaminated land.
- If April to September 2022 spend on pest control continued on the same trend for the rest of year, there would be an overspend on this service of £14k. WRS officers would continue to monitor and

analyse this spend and advise of any changes in the projected outturn figure at quarter 3. The projected outturn figure to be funded by partners was, as follows: -

Redditch Borough Council	£6k
Wychavon District Council	£7k
Worcester City Council	£1k

- The following was the actual bereavements costs April to September 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	£8k
Malvern Hills District Council	£4k
Redditch Borough Council	£2k
Worcester City Council	£6k

- Appendix 2 to the report, detailed the income achieved by WRS for April to September 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,) had now been accepted by employers and unions; the additional pressure on WRS would be £115,757. WRS were unable to cover this increase, therefore an increase to partner funding would be required as follows: -

Council	2022/23
	£
Bromsgrove District Council	16,843
Malvern Hills District Council	15,083
Redditch Borough Council	20,292
Worcester City Council	19,146
Wychavon District Council	26,902
Wyre Forest District Council	17,491
Total	115,757

RESOLVED that the Board notes the final financial position for the period April – Sept 2022, and that

- 1.1 partner councils be informed of their liabilities for 2022-23 in relation to Pest Control, as follows:-

Council	Projected Outturn for Pest Control £000
Redditch Borough Council	6
Wychavon District Council	7
Worcester City Council	1
Total	14

- 1.2 partner councils be informed of their liabilities for 2022-23 in relation to Bereavements, as follows:-

Council	Apr–Sept 22 Actual for Bereavements £000
Bromsgrove District Council	8
Malvern Hills District Council	4
Redditch Borough Council	2
Worcester City Council	6
Total	20

- 1.3 partner councils be informed of their liabilities for 2022-23 in relation to three additional Technical Officers; as follows:-

Council	Estimated Projected Outturn 2022/23 Tech Officer Income Generation £000	Estimated Projected Outturn 2022/23 Tech Officer Animal Activity £000	Estimated Projected Outturn 2022/23 Gull Control £000
Redditch Borough Council	6	2	
Malvern Hills District	4	7	

Council			
Worcester City Council	5	2	70
Bromsgrove District Council	5	8	
Wychavon District Council	8	13	
Wyre Forest District Council	5	8	
Total	33	40	70

- 1.4 Approve the additional partner liabilities for 2022/23 in relation to the additional increase in pay award and recommend the increase to individual partner councils, as follows:-

Council	£000
Bromsgrove District Council	17
Malvern Hills District Council	15
Redditch Borough Council	20
Worcester City Council	19
Wychavon District Council	27
Wyre Forest District Council	18
Total	116

- 1.5 Approve additional partner liabilities for 2022/23 in relation to the additional increase in hosting cost in Wyre Forest and Bromsgrove District Councils relating to ICT, accommodation and support staffing costs and recommend the increase to individual partner councils; as follows: -

Council	2022/23 Increase in Rent £000	2022/23 Increase in ICT Hosting £000	2022/23 Increase in Support Hosting £000
Bromsgrove District Council	0.8	0.4	0.7
Malvern Hills	0.7	0.4	0.6

District Council			
Redditch Borough Council	1.0	0.5	0.9
Worcester City Council	0.9	0.5	0.8
Wychavon District Council	1.3	0.7	1.2
Wyre Forest District Council	.8	0.5	0.8
Total	5.5	3.0	5.0

24/22

WRS BUDGETS 2023/24 - 2025/26

The Interim S151 officer, Finance, Bromsgrove District Council (BDC) and Redditch Borough Council (RBC), introduced the report and in doing highlighted that no one could have anticipated the extent of the inflationary pressures and economic conditions currently being experienced by all councils; with the sharp increases in energy costs and utilities.

IT suppliers were also experiencing increased financial pressures with many passing these on to users. WRS had therefore incurred increased costs with licensing and Uniform costs. However, some costs were offset against a decrease in transport costs now that the essential car user allowance could no longer be claimed.

The Head of Regulatory Services responded to questions regarding the non-Partner Council revenue side; and in doing so briefly explained that the Service were doing an excellent job working with Worcestershire County Council on areas like Safety at Sportsgrounds and petroleum licensing, with the Technical Services Manager's Team were doing an excellent job on delivering this alongside the vapour recovery work of Environmental Health, both of which had generated an additional income. Officers would continue to look more broadly at other public authorities to work with as the legislative framework made this more straight forward than dealing with the private sector; although no one would know the medium term financial situation for some time. If WRS were struggling with the budget, then partner officers would look at how services could be delivered differently if necessary.

WRS was relatively unique, there were no other district council partnership models delivering services on the scale of WRS. The shared services model on which WRS is based was a tried and tested model and officers had been successful in bringing in additional income and had built a strong team to achieve this. The work of WRS was nationally

recognised by the Department for Environment, Food and Rural Affairs (DEFRA); and WRS was very well known to the Local Government Association (LGA). The Licensing and Support Services Manager, WRS, chaired the Primary Authority group and the Food Standards Agency (FSA) was visiting WRS in the near future to look at the service's use of intelligence, with a view to using this in part of the amendments to its Code of Practice.

Officers would continue to scope other areas of expertise and also build on more Primary Authority work.

With regard to promoting WRS, the Head of Regulatory Services commented that most of the business was generated by peer to peer contact, by word of mouth. Officers had looked at trying to market services. However, he would also ask Senior Officers and Members to champion WRS when / whenever possible at relevant forums.

The Chairman thanked officers and stated that we all had a role to play in promoting WRS.

RECOMMENDED that partner authorities approve the following for 2023/24 – 2025/26: -:

- 1.1 Approve the 2023/24 gross expenditure budget of £4,288k as shown at Appendix 1 to the report,
- 1.2 Approve the 2023/24 income budget of £781k as shown at Appendix 1, to the report;
- 1.3 Approve the revenue budget and partner percentage allocations for 2023/24 as follows: -

Council	£'000	Revised %
Bromsgrove District Council	510	14.52
Malvern Hills District Council	457	13.00
Redditch Borough Council	615	17.49
Worcester City Council	580	16.72
Wychavon District	815	23.19
Wyre Forest District Council	530	15.08
Total	3,507	

1.4 Approve the additional partner liabilities for 2023/24 in relation to unavoidable salary pressure, as follows: -.

Council	£'000
Bromsgrove District Council	12
Malvern Hills District Council	11
Redditch Borough Council	14
Worcester City Council	14
Wychavon District Council	19
Wyre Forest District Council	12
Total	82

1.5 Approve the additional partner liabilities for 2023/24 in relation to increase in hosting costs, as follows: -

Council	Increase in Rent £000	Increase in ICT Hosting £000	Increase in Support Hosting £000
Bromsgrove District Council	1	1	1
Malvern Hills District Council	1	1	1
Redditch Borough Council	2	1	2
Worcester City Council	1	1	1
Wychavon District Council	2	1	2
Wyre Forest District Council	1	1	1
Total	8	7	8

1.6 Approve the additional partner liabilities for 2023/24 in relation to three Technical Officers, as follows: -

Council	Tech Officer Income Generation £000	Tech Officer Animal Activity £000	Tech Officer Gull Control £000
Bromsgrove District Council	5	7	
Malvern Hills	5	13	

District Council			
Redditch Borough Council	6	2	
Worcester City Council	6	3	65
Wychavon District Council	8	11	
Wyre Forest District Council	6	5	
Total	36	41	65

25/22

ACTIVITY AND PERFORMANCE DATA QUARTER 2 - 2022/2023

The Community Environmental Health and Trading Standards Manager, Worcestershire Regulatory Services presented the Activity and Performance Data for Quarter 2, 2022/2023 and in doing so highlighted the following key points: -

ACTIVITY DATA

The number of food safety cases recorded by WRS during the year to date was a reduction of 28% compared to 2021-22, but an increase of 18% compared to 2020-21. In general terms, a higher proportion of food safety cases were enquiries such as requests for business advice or export health certificates.

Of the interventions conducted at businesses included in the Food Hygiene Rating Scheme (FHRS), 39 were rated as non-compliant (0, 1 or 2) with most of these ratings issued to takeaways, restaurants and small retailers.

Approximately 71% of recorded cases related to noise nuisances, with noise from domestic properties (such as from dog barking or noise from audio-visual equipment) being the most prominent sources. A further 11% of recorded cases related to smoke nuisances and issues such as the burning of domestic or commercial waste.

PERFORMANCE

At the end of last year, officers saw an increase in the number of defective vehicles reported, driven mainly by higher numbers in one of the six fleets. There was a similar picture at the end of quarter 2 this year, with 37 vehicles being suspended in the period but with 25 being in that same fleet area. Even with this number, only 2.37% of the fleet county-wide were recorded as potentially problematic. Members' attention was drawn to the table detailed at Appendix B to the report. Officers hoped that they could work with the operators to reduce this figure, but members of the trade needed to be aware that they must

always keep their vehicles up to standard and that the regular tests undertaken, were not there to be used to assess what maintenance may be required on their vehicles.

The rate of noise complaints against population was 0.91. This was slightly lower than the figure at quarter 2 last year (1.08,) but like the figures in the previous 2 years (0.94 and 0.85 respectively.) Members may be aware that this measure had been significantly higher at this point in previous years with 1.7 in 2018/19 and 2.1 in 2017/18. Hopefully, the current figure again was indicative of a return to normal levels.

Income brought in during the first half of 2022/23 was £232,520, which was significantly up on last year at this point (£163, 583,) and the previous year (£131,901). Using the historic budget figure for 2016/17 (£3,017,000) to maintain the comparison with previous years, this comes out at 7.7%. Hopefully, this showed that WRS were starting to see more normality returned in the areas that generated our income streams. Officers had not included additional income for work on issues like supporting Ukrainian refugees as this was work done on behalf of the six partners and officers tried to use this measure to look at the work that WRS carried out for others.

Officers responded to questions from the Chairman and Members of the Board, with regard to the information as detailed at Appendix 2, on page 59 of the main agenda report; with regard to defective vehicles and why Redditch Borough Council appeared to be out of kilter compared to other partner authorities.

It was suggested as mentioned above that some drivers may be using the taxi checks at the depot, as a way of seeing what work was required on their vehicles in order to keep them operating within policy and safe. Members were reassured that the Licensing and Support Services Manager, WRS was looking into this. Licensing officers needed to ensure that drivers were carrying out safety checks and that regular maintenance on their vehicles was taking place.

Officers further responded to questions regarding the use of domestic log burners. Members were briefly informed that new powers under the Environment Act 2021 could allow local authorities to issue Penalty Notices for illegal smoke emissions, however, officers needed a better understanding on how log burners were being used incorrectly before they could do this as there were a number of reasons that could result in an illegal emission, particularly if the wrong fuel was used, and most log burners on the market were tested to standards that made them suitable for use in smokeless zones. The Head of Regulatory Services reminded

members that the service's enforcement policy would require that officers take a proportionate approach, making members of the public aware of what to / what not to buy, what can / can't be used as fuel with log burners; and that officers had to have the tools to deal with any concerns / issues raised in this area before any kind of formal action would be instituted.

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

RESOLVED that the Activity and Performance Data Quarter 2, for 2022/2023, be noted and that Members use the contents of the activity data in their own reporting back to fellow Members of their partner authorities.

26/22

UPDATE ON PROGRESS OF THE AUTOMATION PROJECT

The Licensing and Support Services Manager introduced a further update report on the Automation progress, as agreed.

Members were informed that progress on making a final decision on a system had progressed. WRS had found two suppliers who seemed most positive about working with WRS and being able to deliver within our proposed timescales. The specification was being finalised and discussions were taking place with procurement colleagues this would enable WRS to make a direct award to the one that best fits the needs of WRS.

In the coming few weeks WRS will be working with the Procurement solicitor at Bromsgrove District Council to ensure that the necessary procurement processes were followed, whilst utilising one of the two Government portals available for direct award.

In parallel to the wider automation project officers had also been discussing the implementation of electronic ID Cards in the taxi trades for both safeguarding and enforcement measures. Since there was only one supplier on the market for this technology the procurement process was not as burdensome so officers would continue to work with the supplier to ensure that all of the needs would be met on implementation.

RESOLVED that the update on progress of the automation project be noted.

27/22

INFORMATION REPORT - FLEXIBLE WRS WORKFORCE

The Technical Services Manager, WRS, introduced the report and in doing so informed the Board that as detailed in the report that, during the last three years, WRS had provided reports or updates to Members on the various COVID-19 related workstreams. At the peak of demand, we

had teams working to support businesses and the public in a variety of ways throughout the pandemic. This led to a massive recruitment drive to fill the 80 plus temporary posts created.

The pandemic had created a unique situation which WRS was able to use to its benefit, in giving lots of talented, conscientious, and highly skilled individuals a chance to work alongside Environmental Health and Licensing staff to get a taste of our world. Whilst much of that work has come to an end during 2022 many of the staff previously employed in COVID-19 workstreams had been able and willing to be redeployed in regulatory and public health related matters utilising the skills developed and supporting the WRS budget.

The Head of Regulatory reiterated this and commented that the Technical Services Manager had provided a good summary for Members. They had employed some very talented people during Covid-19.

Planning Enforcement

WRS had been utilising the knowledge and skills we have in this area to support our partner authorities. During the spring we trained former contact tracing staff where required (as some had considerable experience in enforcement previously) to deliver planning enforcement work on behalf of four of the Worcestershire District Councils. Whilst the work for Wychavon and Malvern Hills Districts ceased in June, WRS continued to work alongside Planning colleagues in Bromsgrove District and Redditch Borough Councils.

Members' attention was drawn to the table, as detailed on page 96 of the main agenda report.

Homes for Ukrainians

Much of the work of the COVID Advisors during the pandemic was to support businesses and members of the public with a variety of issues, concerns, and worries. The Advisors were selected for their communication skills and drive to help people. This has served well in supporting housing colleagues at Bromsgrove District, Malvern Hills District, Redditch Borough, and Wychavon District Council's in delivering the work of supporting Ukrainians who had arrived in the county.

In July two more COVID Advisors started to assist but this time in Wychavon District and Malvern Hills District Council areas to carry out property checks to ensure that the properties were suitable for the Ukrainian guests.

COVID Advisors were always happy to take on any new challenges and were flexible in their approach to the regular changing guidelines during

COVID and now the regular change in workplace. They adapted well in these important roles using their previous experiences dealing with a range of different people (the general public, business owners, colleagues and management across the county in the six districts, county public health and councillors) and transferable skills such as their caring, empathic approach from visiting the clinically extremely vulnerable during lockdown, helping on vaccine centres to now carrying out Safeguarding checks for the Homes for Ukraine scheme.

In the last few months there had been some complex and sensitive cases, as one would envisage in a scheme where hosts offered to open their homes to strangers who had had to leave their homes and, in many cases, suffered terribly from the conflict.

Benefit to Partners

As well as supporting our colleagues in the District Councils, we have retained staff with valuable skills and knowledge. In terms of WRS' income generation from these work strands, we have only covered costs, but it had enabled us to utilise the associated opportunities in developing and enhancing our baseline workforce with managerial experience, a variety of work and an opportunity to provide value to our society; whilst being flexible and adaptable to our partners and residents in managing and delivering services for the benefit of all.

Further detailed discussion followed on the role of the flexible workforce in dealing with planning enforcement. Officers reassured Members that the flexible workforce had the crucial skills in adhering to enforcement policies and in enabling successful prosecutions. All enforcement goes through the planning department who direct WRS. Key communication with planning officers takes place and officers ensure that each of the partner authorities' policies are followed. It's about a flexible workforce having the abilities to undertake investigation without falling foul of legislation, the law and regulations; and assisting with quite onerous cases that could take between 1 and 2 years.

Further discussion took place on other enforcement work that WRS might take on. The Head of Regulatory Services directed Members to those areas mentioned in the WRS 3-year business plan as options that partners could consider, although he added that the view expressed by some members about wanting to retain services locally was understandable and reasonable.

RESOLVED that the Information Report – Flexible Worcestershire Regulatory Services workforce, be noted.

The meeting closed at 5.30 p.m.

Chairman