

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY 5TH OCTOBER 2023

AT 4.30 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA

MEMBERS: Councillor C. B. Taylor, Bromsgrove District Council
Councillor H. J. Jones, Bromsgrove District Council (Vice-Chairman)
Councillor J. Raine, Malvern Hills District Council
Councillor C. Palmer, Malvern Hills District Council
Councillor L. Harrison, Redditch Borough Council
Councillor J. Kane, Redditch Borough Council
Councillor J. Riaz, Worcester City Council (Chairman)
Councillor M. Allcott, Worcester City Council
Councillor B. Hardman, Wychavon District Council
Councillor M. Goodge, Wychavon District Council
Councillor T. Onslow, Wyre Forest District Council
Councillor P. Harrison, Wyre Forest District Council

AGENDA

1. Apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Worcestershire Regulatory Services Board held on 29th June (Pages 5 - 20)
4. WRS Revenue Monitoring April - June 2023 (Pages 21 - 28)

5. Activity & Performance Data - Quarter 1 2023-24 (Pages 29 - 62)
6. Progress Report on the Automation Project (Pages 63 - 64)
7. Enforcement Policy (Pages 65 - 78)
8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

Sue Hanley
Chief Executive (Interim)

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

27th September 2023

**If you have any queries on this Agenda please contact
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MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 29TH JUNE 2023, AT 4.30 P.M.

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

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

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

1/23

ELECTION OF CHAIRMAN

RESOLVED that Councillor J. Riaz, Worcester City Council be elected Chairman of the Board for the ensuing municipal year.

2/23

ELECTION OF VICE-CHAIRMAN

RESOLVED that Councillor H. Jones, Bromsgrove District Council be elected Vice-Chairman of the Board for the ensuing municipal year.

In the absence of the elected Chairman, Councillor H. Jones sat as Chairman. Councillor Jones opened the meeting and welcomed everyone who was in attendance.

3/23

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

The following apologies for absence were received: -

Councillors C. B. Taylor, Bromsgrove District Council and N. Martin, Worcester City Council with M. Marshall, Bromsgrove District Council and J. Thomas, Worcester City Council, in attendance respectively, as substitute Members.

Councillors C. Palmer, Malvern Hills District Council and M. Allcott, Worcester City Council.

4/23

DECLARATIONS OF INTEREST

There were no declarations of interest.

5/23

MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 17th November 2022, were submitted.

6/23

BUSINESS PLAN FOR WORCESTERSHIRE REGULATORY SERVICES - 2023-2026

The Board considered the Worcestershire Regulatory Services (WRS) Business Plan for 2023 - 2026.

The Head of Regulatory Services introduced the report and in doing so drew Members' attention to the Recommendation, as detailed on page 19 of the main agenda report.

The Business Plan for WRS was developed first in 2015 following on from the strategic procurement exercise. During the leadership training undertaken by the management team, it was determined that WRS needed a plan to ensure both the viability of the service and its ability to operate within the budgets available from the partners. This plan became the high-level document that would inform the development of the service for the foreseeable future. It was last updated in 2020, just before the COVID-19 pandemic. Now that the disruptions caused by the pandemic had gone it was deemed timely to revisit the plan looking forward for an extended time-period.

The Business Plan showed how WRS would: -

- Continue to provide a viable service within projected partner budget allocations.
- Understand what a base level of service looks like for partners.
- Support other partners to maintain service levels above this, where this was desired.
- Provide details of plans to increase income to maintain resilience in the face of continued financial pressure.
- Identify potential areas for the partners to expand the use of WRS as a platform for delivery.

Members were informed that all the partners had indicated that financial pressures were either current or visible in the near future; but had yet to inform WRS whether it would be a source of the reductions that some partners needed to make.

Income generation remained a key factor in the service's business strategy. It was possible that local authorities outside of the county may be encouraged to engage more with WRS and look more widely at contracting services. However, there was growing evidence that current clients were unwilling to engage with the service beyond their current commitments, and as the process of county devolution moved forward, it

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was possible that district councils may look more closely at resources within their areas.

By understanding the costs and with good support from the host's Finance team, WRS had been able to forecast its income needs going forward. However, if rates of salary increase remained higher than previously experienced and the inflationary cost pressures continued, particularly on hosting authorities, it seemed unlikely that the service would be able to revert to the model operated between 2016 and 2020, where increased income alone would cover all cost pressures experienced by the service.

To limit the need for future increases, WRS would look to maintain and increase the levels of income that they bring in. This was only viable if the service retained its current flexibility to re-invest income in resources where necessary. WRS needed to also retain and build on the current flexible and well-qualified staff cohort.

More focus than in previous plans was placed on the ability of partners to add functions to the WRS structure, which may provide one way of offering savings in overall cost by rationalising the management and delivery of these activities. The pilot with planning enforcement being delivered on behalf of Redditch and Bromsgrove, which appeared to be having some success, was one example of how this might develop. The plan identified areas, particularly those where the infringements were criminal in nature, which might fit into WRS operations. Whilst it was understood that Members had a desire to keep certain functions close to the point of delivery, WRS Managers would continue discussions with Officers and Members of the Board to identify options that may be viable.

At the budget meeting in November 2022, Members agreed to take back to their respective partners the WRS budget which had included an increase in their contributions to cover the higher than anticipated salary settlement for 2022/23, an uplift for the hosting authorities in 2022/23 to cover huge inflationary pressures, and uplifts for the 2023/24 finances to address a further salary increase and increases in hosting. Uplifts in salary levels during the period were budgeted at 2% but the current employers' offer exceeded this. Hopefully, inflation would fall in the coming year so, whilst it was unlikely to return quickly to the low levels seen before the pandemic, pressures on both businesses and households would ease during the period of this plan.

There was a WRS reserve of over £100,000 that could be used to cushion the partners from financial shocks to the service. Members had previously agreed that the reserve could be used to cover small overspends at year-end should they occur. This would give the partners an opportunity to look at different options, whether through further funding or other delivery choices, to move forward with their regulatory functions.

The other significant reserve was established last year for the development of the WRS website to both allow direct submission of service requests and license applications into the back-office system and to enable online payment via the WRS website. Work on this project had progressed well and any remainder of the £150,000 allocated would be returned to partners at the end of 2023/4.

The Licencing and Support Services Manager replied to Members questions regarding the IT systems and during this clarified that the system was the customer facing portion of the website. It was also clarified that when the system goes live, Officers would encourage applicants to use the service, however, they would also actively give guidance and support to enable this and that applicants would still be able to apply via email.

The Head of Regulatory Services agreed to add the word “legitimate” before “business” to the WRS vision statement as detailed on page 25 of the main agenda pack, on the request of Councillor Rain, Malvern Hills District Council.

RESOLVED that the Worcestershire Regulatory business Plan for 2023 - 2026, as detailed in the main reports pack, be approved.

7/23

WORCESTERSHIRE REGULATORY SERVICES - SERVICE PLAN 2023/24

The Board considered the Worcestershire Regulatory Services (WRS) Service Plan 2023/2024.

The Head of Regulatory Services introduced the report and in doing so drew Members’ attention to the Recommendations, as detailed on page 57 of the main agenda report.

It was detailed to Members that, the Board signed off on the service plan for WRS each year. The process helped to make Members aware of what the service was proposing for the relevant financial year and provided a sign off which some central government bodies liked to see in relation to service delivery plans e.g., the Food Standards Agency.

Officers reported that the plan followed the same pattern of previous years and Members’ attention was drawn to the Executive Summary on page 26 of the main agenda pack to highlight the main point. Last year’s plan continued to accommodate activities in tackling the global pandemic as well as day-to-day activities. 2023/24 saw all involvement with COVID-19 pandemic related activities formally cease for WRS.

Throughout the pandemic, the service continued to shape its work around the long-standing strategic priorities for local authority regulatory services provided by what is now the Department for Business and Trade (DBaT,) as this provided a framework that allowed WRS to

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maintain a golden thread back to the priorities of the six partners and to link to the requirements of the various national bodies.

The focus of the 2023/24 plan had shifted somewhat to the tactical priorities identified in the service's Strategic Assessment. The two-yearly piece of work reviewed the full data and intelligence picture, looked at emerging threats and made a number of recommendations as to the areas that needed to be addressed. The outcomes were:

- Supporting a safe and vibrant night-time economy
- Promoting the responsible sale, breeding, and ownership of dogs
- Promoting safe and clean communities
- Supporting commercial businesses to operate safely and responsibly
- Supporting industry to operate safely and responsibly

Officers described the last two as business as usual for a regulatory service, however, the other three were cross cutting in nature and needed to be addressed by various staff within WRS to deliver outcomes.

A range of high-level activities against the 5 tactical priorities were identified within the plan so that Members would be aware of the general focus of the workload. Below this would sit a number of plans, either team based or cross cutting that would be used to drive business activities.

Working with businesses and other partners was a key theme for both generating income but also to ensure that outcomes were delivered that match the priorities of partners and stakeholders. Delivery for other local authorities also remained a key income generation strategy, supported by limited work for the private sector and any specific grant monies that WRS felt were worthwhile pursuing. WRS retained most of its client-base post-pandemic and hoped to be able to identify new ones, although over time that gets harder. WRS remained hopeful that the strategy would remain fruitful.

WRS would continue to use intelligence to drive the business forward and the embedding of this approach and its associated processes kept WRS at the forefront of this thinking in local regulatory services.

The Risk Register had been updated to reflect the current position in areas like IT provision and development, staffing levels, and reliance on contractual relationships for income. The threat from cyber-attack had become more real in recent years as the devastating consequences had been felt by colleagues in other local authorities elsewhere in the country. WRS would work closely with their ICT host, Wyre Forest DC, to limit the risk of this. The WRS team for many years had been using mobile and flexible work activities which had yielded efficiencies but their reliance on ICT provision to deliver this increased the vulnerability to disruption.

As with previous years, Members were asked to pay particular attention to the provisions for food hygiene delivery in 2023/24. This was to meet one of the recommendations of the auditors from the Food Standards Agency who visited the service in May 2017. The FSA were keen that Members had a better understanding of the demand in this service area when they authorised the plan for 2023/24 and future years.

Members were asked to note the proposed numbers of inspections and similar activities proposed for the new financial year that would be undertaken to discharge the statutory duties of the 6 partners in relation to food control. WRS would keep the board updated on progress as the year went forward.

The Technical Services Manager responded to questions from Members and in doing so, clarified the situation regarding the air quality survey at Horsefair/Coventry Street – Kidderminster as detailed on page 86 of the main agenda pack. Although the initial assessment and equipment were in place, the survey had not been completed as WRS needed to undertake assessments for a minimum of 3 years. Officers further clarified that for a location to be designated as an Air Quality Management Area (AQMA) it needed to be a residential area with air quality concerns. Between the two mentioned areas there was an area which did not meet the AQMA criteria, however, due to the very close proximity of the locations it was decided to assess them under the same AQMA.

Members also wished to highlight the positive support WRS provided to businesses to enable them to operate legitimately and safely.

RESOLVED that

- a) the Worcestershire Regulatory Services Plan for 2023/2024, as detailed in the main reports pack, be approved; and
- b) that Members specifically note the level of work to be undertaken by the service this year in relation to the partners' roles as local food authorities.

8/23

WRS - REVENUE MONITORING APRIL - MARCH 2023 & ANNUAL RETURN

The Executive Director of Resources, 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 page 101 of the main agenda report.

The Executive Director of Resources confirmed that the report covered the period of April to March 2023 and also included the Annual Return.

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The detailed revenue report was attached at Appendix 1 to the report. This showed a final outturn refund of £182k, which represented 5.2% of the actual budget and was mainly due to: -

- The inability to recruit like for like numbers of employees to backfill capacity committed to grant funded or other income generated work.
- The outturn underspend was £151k greater than that forecasted at quarter 3. This was due to additional income of £90k, £45k additional income in relation to Planning Enforcement, £28k for AQ Monitoring Station funded by Wychavon and an additional £10k for bereavements.
- Any grant funded expenditure was shown separate to the core service costs as this was not funded by the participating Councils.
- As requested by the Board Appendix 1 details explanations relating to the variances.

It was proposed that the £182k was allocated as follows:

To transfer £120k to a new WRS Reserve to fund the 2023/24 pay award.

In 2022/3, the service had to ask partners for additional funding to address the pay award (£1,925 on each spinal point,) as the 2% uplift originally budgeted for was not sufficient. In November, it was not anticipated that employers would make a similar offer in 2023/4, so the budget increase was 2% again.

To transfer £10k to the WRS Reserve towards a stray dog van

The service had been trying to buy its replacement dog vans via a government procurement framework that offered better prices than buying direct from suppliers. However, delivery dates had been pushed back on multiple occasions and WRS had now reached a point where they could not delay any further, therefore, some additional funding was required to purchase directly from suppliers. The Head of Regulatory Services clarified for Members that the £10k was to add to the current reserve of £72k and was due to the increased cost associated with buying directly from suppliers as opposed going through the government procurement framework.

The remaining £52k, was proposed to be refunded back to partners as per below:

Bromsgrove District Council - £7,562
Malvern Hills District Council - £6,772
Redditch Borough Council - £9,111
Worcester City Council - £8,597

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Wychavon District Council - £12,079
Wyre Forest District Council - £7,853

The Head of Regulatory Services clarified that the current reserve of £467k detailed on page 112 of the main agenda pack, was largely reserved for specific projects such as IT enhancement project, Brexit fund and the stray dog vans. Only £130k of the fund was a general reserve which was available to be used and that was the basis for why WRS sought to add an additional £120k to address the 2023/24 pay increase shortfall. It was also noted that the Brexit reserve was no longer being used and could be reallocated or refunded during the budget review in November.

RESOLVED that

- a) the final financial position for the period April 2023 to March 2023, be noted;
- b) the refund of £52k to the participating Councils, be approved as follows: -

Council	Refund from 2021/2022 £'000
Bromsgrove District Council	7
Malvern Hills District Council	7
Redditch Borough Council	9
Worcester City Council	9
Wychavon District Council	12
Wyre Forest District Council	8
Total	52

- c) the creation of a £120k reserve to address the expected impact of the pay award for 2023/4 and the addition of £10k to the reserve for replacement dog warden vans.

9/23

**WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT
2022/2023**

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2022/2023.

The Head of Regulatory Services informed the Board that under the Shared Services Partnership Service Level Agreement (SLA) the Board was required to receive the annual report at its annual meeting.

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The Head of Regulatory Services highlighted that the report covered the performance of the service from 1st April 2022 to 31st March 2023, both in terms of KPIs and highlights of activity, with a short summary activity report, as detailed at Appendix 5 to the report.

2022/23 saw the winding down of the formal response to the global Covid- 19 pandemic, which required some resources to be committed but to a limited extent, and many of the dedicated staff who served during the pandemic moved on. Where possible, the service did make staff aware of other job opportunities with the partners as, given the difficulties recruiting staff, it was important to try to keep good people in the local authority family if they were willing and there were suitable opportunities.

The service took on several new work-streams during the year, utilising some of the staff recruited during the pandemic. The planning enforcement pilot for Redditch and Bromsgrove, and the Homes 4 Ukraine support for Redditch, Bromsgrove, Malvern Hills and Wychavon, had been delivered in this way, with support from experienced WRS managers.

Despite the additional commitments, performance remained good in most areas. Food business compliance rates remained high. Taxi license renewals had been dealt with in a reasonable time in the main. The taxi fleet appears to be generally in good order, although the number of vehicles that failed either when submitted to a garage for interim test or, to a lesser extent, whilst in-service had increased again, with one partner area standing out. This was almost certainly a result of the financial pressure on members of the trade due to the current cost of living pressures.

As with previous years, complaints against the service were significantly exceeded by compliments. The main issues for complainants related to people:

- Unhappy with response to their complaint about nuisance,
- Having issues with one the pest controllers
- Having to pay to recover a stray dog.

Nuisance complaints were numerous last summer and this, combined with the drive to complete the Food Recovery programme as required by the Food Standards Agency, meant that resources last summer were spread very thin. This led to a fall in non-business customer satisfaction to only 59.2%. Managers would continue to work to address this, however, the nature of the service was such that it would be impossible to make everyone happy because a significant proportion of nuisance complaints would not amount to a statutory nuisance, Members were assured that WRS were confident they could improve their performance in this area.

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The indicators for licensed premises and noise complaints had been in place long enough now to establish good baselines. Previously, WRS had said that the former of these indicators, linked to the Crime & Disorder agenda, demonstrated that, post pandemic lockdowns where hospitality premises were closed for long periods, the general tolerance of noise and similar activities from this type of premise had reduced. This appears to be slightly less prevalent for the last year, with more urban districts returning figures around average and more rural districts returning figures at average or slightly higher. It still shows that 90% plus of premises across the County were still well run and controlled by their operators, and concerns tend to be limited to smaller numbers of premises.

The figures could now be used, along with intelligence, to focus enforcement resources proactively, to tackle any individual problem premises, although these were relatively few and most complaints relate to nuisance issues or anti-social behaviour, which was a police matter.

Looking at last year's figures for noise complaints against population, the rate for Malvern Hills was low compared to previous years and numbers for other areas appear around average to slightly below average. Domestic noise represents more than half of complaints and noise from dogs and from audio devices remain key drivers of this, with dogs in particular making up over 500 of the 1500 received noise complaints. In regard to commercial premises, it tends to be a small number that certain residents had concerns about, and things such as a change of Designated Premises Supervisor (DPS) or the business looking at more diverse ways of bringing in revenue could lead to friction with the local community. Overall, it still suggests however, that the environment for Worcestershire residents was good.

Members were further informed that the Annual Report provided a summary of the financial position, the key achievements and covered issues relating to human resources. There were also sections on risk management and equalities. The Report would be published on the WRS website and would be shared with other all partner authorities.

Members recognised the work WRS had done during a very challenging time and wished to extend their appreciation to the team in particular for their work during the Covid-19 pandemic.

The Community Environmental Health and Trading Standards Manager responded to questions with regard to noise complaints. WRS Officers had a varied skillset so during particularly busy periods they moved Officers to higher demand departments such as handling noise complaints during the summer months when it peaks, however, Officers further highlighted to Members that demand far exceeded the support that could be utilised so it was unlikely they could ever fully meet all the demand.

The Community Environmental Health and Trading Standards Manager further clarified to Members that the threshold for a noise nuisance was very high and was due to a number of factors such as proximity, volume, time of day and duration and was a skilled decision that was made by Officers. Officers would often install equipment to monitor noise to make their assessment, it was also noted that if the threshold was deemed to have been met then the offence would be criminal in nature and would constitute legal proceedings which was why the threshold had to be high.

RESOLVED that the Worcestershire Regulatory Services Annual Report 2020/2021, be noted; and that a copy of the Worcestershire Regulatory Services Annual Report 2022/2023 be forwarded to the Chief Executive, Managing Director and Members of the six partner authorities.

10/23

ACTIVITY AND PERFORMANCE DATA QUARTERS 1, 2 3 AND 4 - 2022/2023

The Head of Regulatory Services, Worcestershire Regulatory Services (WRS) presented the Activity and Performance Data for Quarters 1, 2, 3, and 4 for 2022/2023; and in doing so highlighted the following key points: -

Activity Data

The service moved into the final quarter of 2022/3 knowing that it would be the last period where Covid grant funding had any influence on activities. With Government support ended on 31st March, however, there remained several workstreams where covid staff had been redeployed to deliver successful support to the partners.

The service had continued to address the Food Standards Agency's (FSA) recovery plan as part of its activity this year. A creditable 1,657 interventions were completed across the year. Of those businesses included in the Food Hygiene Rating Scheme (FHRS), 69 were rated as non-compliant (0, 1 or 2) with most of these ratings were issued to takeaways, restaurants, and small retailers.

Quarter 4 followed the downward trend in relation to reports of stray dogs, this had been attributed to helpful Members of the public posting on social media to try to reunite dogs with owners before contacting WRS.

WRS continued to receive a higher number of enquiries about licensing matters rather than complaints about licensed or unlicensed activity. Based on the 532 complaints recorded, 40% related to taxi licensing, 23% to alcohol licensing, and 22% to animal licensing.

Nuisance complaints followed their long-established seasonal pattern, however, following the drop from the summer peak through Q3, Q4 saw an increase in numbers despite it being Winter. The good weather

during February may have accounted for some of the increase as people were tempted outside earlier than they may have been otherwise.

Homes for Ukraine

Support continued to be provided to Bromsgrove, Malvern Hills, Redditch and Wychavon through quarters 3 and 4 with the provision of the Homes for Ukraine scheme. This involved host and guest checks, support and guidance as well as facilitating appropriate payments. This was completed utilising staff formerly employed as COVID Advisors. At the end of quarter 4, this work ceased for Wychavon and Malvern but continued for the other two partners.

Planning Enforcement

In Bromsgrove and Redditch, former Contact Tracing and Enforcement staff had been utilised to support planning colleagues in tackling a backlog of planning enforcement issues. Most of these cases were live and going through the enforcement process. The work had been well received.

Performance

The customer satisfaction perspective with business customers continued to be high at 98.1%, but non-business customer measured at 59.2%. This was attributed to how stretched the service was during the Summer where there was limited capacity available to respond to nuisance complaints with the continued draw on resources to meet Food Standards Agency road-map requirements for visits with the limited capacity in the system to back-fill with agency staff.

It was also noted that WRS attempted to shift customers from paper satisfaction forms to electronic responses, this led to a clear reduction in responses with only 138 whereas previous years there had been 200-250.

The figures for licensing processing were good with the year ending at 97.5% of taxi driver renewals completed within 5 working days. However, all districts had slightly more vehicles having been taken off the road during stop-checks or failed by local garages when vehicles were presented for their routine tests. This was attributed to the current economic climate, with cost-of-living pressures continuing to impact on Members of the trade.

Staff sickness was down at 2.93 days per FTE. This includes all staff employed during the year and was a significant improvement on 2022/23 (5.2 days) and below the 5-year average (3.71 days).

Staff satisfaction was at 92%, slightly lower than last year but still an excellent result. 48 of WRS staff responded, which was a low, however, two-thirds of staff who responded scored the service as 8/10 or better to work for, which shows the majority of staff like working in the

environment WRS provided. Further work would be done during the year to look at more detailed feedback.

The increases in both salaries and hosting costs incurred, plus some modest investments in areas like additional funds for gull control in the City and a continuous analyser purchased for Wychavon at Wychbold, had pushed up the overall spend by the partners. Therefore, the cost per head of population was up this year at £5.51 per head of population. Officers detailed that it was difficult to compare costs with other providers due to the way the service was delivered, however, WRS were confident that this spend was comparable or modest compared to similar areas for the functions discharged.

Members sought clarification on whether there was an issue with defective vehicles on the road in Redditch as there were 25 vehicles detailed on page 166 of the main agenda pack, removed during spot checks or routine safety inspections, which was substantially higher than other partner authorities. The Licensing and Support Services Manager replied that Redditch had the most vehicles out of the partner authorities so would expect a higher value, however, Officers were continuing to monitor the situation.

RESOLVED that the Activity and Performance Data Quarters 1, 2, 3 and 4 for 2022/2023, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

11/23

FOOD INTERVENTIONS: POST PANDEMIC RECOVERY PROGRAMME AND NEXT STEPS

The Community Environmental Health and Trading Standards Manager, Worcestershire Regulatory Services (WRS) presented the Board with a detailed information report on Food Safety Interventions: Post Pandemic Recovery Programme.

Members were informed that, as previously reported, during the peak of the Covid pandemic the Food Standards Agency (FSA) had stopped the majority of food visits, although partners through WRS were required to monitor poor Food Hygiene Rating Scheme (FHRS) businesses and to deal with complaints. WRS entered a two-year recovery phase in August 2021. Every local authority had a long list of overdue inspections, the total across the county being nearly 3,000. It was also reported that although WRS had mostly cleared the backlog there were still 300 interventions (including new premises) outstanding to meet the FRA recovery plan and that about half of those were high risk.

The Community Environmental Health and Trading Standards Manager detailed to Members that they no longer base their food intervention programmes solely on the arbitrary inspection dates set in the national Food Law Code of Practice. Instead, WRS were proactive in recording and considering intelligence through tactical assessment and tasking programmes. This opened up many options including sectoral

approaches (e.g., geographical, new premises, ethnics, bakeries, small retail) and specific projects (e.g., sampling, FHRS sticker checks, arising from complaints). This was an approach that FSA was considering as a change in policy direction after witnessing its effectiveness.

Members' attention was drawn to the tables as detailed on page 212 and 213 of the main agenda report. Members were informed that businesses were maintaining a very high compliance rating of 98% by achieving a 3-5 FSA rating. The Community Environmental Health and Trading Standards Manager attributed this success to the commitment of WRS to prioritise the support of businesses to be compliant and successful.

At the request of the Chairman, the Community Environmental Health and Trading Standards Manager, WRS, detailed to Members the "Triple 5 award" that WRS had announced recently to supplement the Food Hygiene Ratings, as a means of recognising businesses achieving a consistently good Level 5 Food Hygiene rating, saying that this was something for businesses to strive for, and that it could take up to six years to achieve this accolade, depending on the risk rating for the premise.

Members enquired about the criteria for a premises to receive a 0 rating. Officers replied that the rating looks at the inherent risk that the business poses to the public and examines a number of factors including, high risk food handling, pest control, building state of repair and the confidence in the management. For a 0 rating there needed to be a serious risk to the public, improvement notices would likely be served and, in the worst cases the premises may be forced to close. Officers further clarified that some businesses chose to give up after receiving a particularly bad rating, particularly if the work required outweighed their ability to make changes to the premises and the operation.

RESOLVED that the Information Report – Food Safety Interventions: Post Pandemic Recovery Programme, be noted, and that Members use the contents of the report in their own reporting back to their respective partner authority.

12/23

PROGRESS REPORT ON THE AUTOMATION PROJECT

The Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS) presented the Board with a progress report on the automation project.

It was noted for new Members to the Board that previously the majority of applications came in paper format and had to be input manually into the back-office system. However, during the COVID-19 pandemic applicants were required to submit their applications via email. WRS decided that they would enhance their system further and allow applications to be submitted online which would alleviate the need for Officers to input the data manually into the system.

Agenda Item 3

Worcestershire Regulatory Services Board
29th June 2023

To assist with this at the Board meeting on 23.06.2022, Members agreed to create a reserve of £150,000 from the previous year's underspend to fund the implementation of the automation of data entry for customers.

Officers had met with various suppliers during the procurement process and Victoria Forms was chosen to be the supplier for the project.

Temporary Event Notices (TENs), Licensing act forms and Animal Licensing forms, would all eventually be available to be completed online. The Licensing and Support Services Manager further detailed that TENs would soon be the first area to go live.

In parallel to the wider automation project, Officers had also been discussing the implementation of electronic ID Cards in the taxi trade for both safeguarding and enforcement measures.

The Licensing and Support Services Manager responded to Members questions and detailed that WRS cannot refuse an application so if one came in on paper or via Email, it would be processed in the same manner, but Officers would endeavor to work with applicants to encourage and aid them in completing the forms online, just as they had done during the Covid-19 pandemic when applicants were encouraged to email their applications.

It was further clarified that the ID cards would be fully compliant with the national database and would be available to be scanned to ensure a driver had a valid licence and were who they appeared to be.

Members expressed some concern over not having an independent governance body overseeing the systems implementation. The Head of Regulatory Services replied that the concern was not raised during previous WRS Board meetings by Members, but that with the agreement of the Board, Officers would raise their concern with Internal Audit.

RESOLVED that

1. The Progress report on the automation project be noted; and
2. that Officers take the report away to be examined by Internal Audit.

The meeting closed at 6.38 p.m.

Chairman

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WRS Board 5th October 2023

WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING April – June 2023

Recommendation

It is recommended that the Board:

- 1.1 Note the final financial position for the period April – June 2023
- 1.2 That partner councils are informed of their liabilities for 2023-24 in relation to Bereavements

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

- 1.3 That partner councils are informed of their liabilities for 2023-24 in relation to three additional Technical Officers

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	

Agenda Item 4

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

Contribution to Priorities

The robust financial management arrangements ensure the priorities of the service can be delivered effectively.

Introduction/Summary

This report presents the financial position for Worcestershire Regulatory Services for the period April – June 2023.

Background

The financial monitoring reports are presented to this meeting on a quarterly basis.

Report

The following reports are included for Board's Attention:

- Revenue Monitoring - April – June 23 – Appendix 1
- Income Breakdown - April – June 23 – Appendix 2

Revenue Monitoring

The detailed revenue report is attached at Appendix 1. This shows a projected outturn 2023/24 of £4k overspend. Previous Boards have agreed that small variances such as this would be funded from reserves rather than calling on partners for further contributions. It is appreciated this is an estimation to the year-end based on following assumptions:

- A 2% pay award has been added to the projected outturn figures, as per the original budget. We have reserved £120k from last year surplus to accommodate an enhanced pay award in 23-24.
- If April to June 23 spend on pest control continues on the same trend for the rest of year, there will be no overspend to be charged to partners on this service. WRS officers will continue to monitor and analyse this spend and advise of any changes in the projected outturn figure at quarter 2.
- The following is the actual bereavements costs Apr – June 23 to be funded by partners. These costs are charged on an as and when basis. Due to the nature of the charge it is not possible to project a final outturn figure:

Agenda Item 4

Bromsgrove District Council £2k
Redditch Borough Council £3k

This income is included in the income projected outturn.

- Appendix 2 shows the detail of the income achieved by WRS April – June 23
- Any grant funded expenditure is shown separate to the core service costs as this is not funded by the participating Councils.

Financial Implications

None other than those stated in the report

Sustainability

None as a direct result of this report

Contact Points

Peter Carpenter – peter.carpenter@bromsgroveandredditch.gov.uk

Background Papers

Detailed financial business case

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WRS - Profit & Loss Report 2023/24

Appendix 1

Total WRS June 23 / Period 3 - 23/24

	Revised Full Year Budget 23-24	Revised Budget - Committed Apr - June 23	Expenditure Apr - June 23	Variance	Qtr 1 Projected outturn	Qtr 1 Projected Outturn Variance	Comments
	£	£	£	£	£	£	
Direct Expenditure							
Employees							
Salary	3,404	851	803	-48	3,400	-4	
Agency Staff	25	13	59	47	118	93	Covered by income generation work, including work for other local authorities
Employee Insurance	25	6	6	-0	25	-0	
Sub-Total - Employees	3,454	870	868	-1	3,542	89	
Premises							
Rent / Hire of Premise	74	19	19	0	75	1	
Cleaning	1	0	0	-0	1	0	
Utilities	0	0	0	0	0	0	
Sub-Total - Premises	75	19	19	0	76	1	
Transport							
Vehicle Hire	20	5	4	-1	20	0	
Vehicle Fuel	8	2	1	-1	8	-1	
Road Fund Tax	1	0	0	-0	1	0	
Vehicle Insurance	5	1	1	0	5	0	
Vehicle Maintenance	3	1	0	-0	3	0	
Car Allowances	56	14	9	-5	55	-1	
Sub-Total - Transport	92	23	16	-7	91	-1	
Supplies and Services							
Furniture & Equipment	39	10	31	21	64	25	AQ Monitoring Station, Income recovered from Wychavon
Clothes, uniforms and laundry	2	0	0	-0	2	0	
Printing & Photocopying	17	4	5	1	17	0	
Postage	11	3	3	1	11	0	
ICT	67	17	16	-0	67	0	
Telephones	21	5	3	-2	21	-1	
Training & Seminars	22	6	3	-3	22	-0	
Insurance	20	5	5	0	20	-0	
Third Party Payments	194	48	49	0	195	1	
Sub-Total - Supplies & Service	393	98	116	18	419	26	
Contractors							
Dog Warden	121	30	36	5	125	4	
Pest Control	105	26	38	11	93	-13	Recruited part time pest control officer, savings offset in salaries
Taxi / Alcohol / & Other Licensing	70	18	16	-2	70	0	
Other contractors/consultants	3	1	0	-1	3	0	
Water Safety	5	1	2	0	5	0	
Food Safety	1	0	0	-0	1	0	
Environmental Protection	12	3	9	6	15	4	Bereavements recovered in income
Grants / Subscriptions	13	3	6	2	14	2	
Advertising, Publicity and Promotion	6	1	0	-1	6	0	
Sub-Total	335	84	105	21	331	-4	
Income							
Training Courses / Bereavement / Works in Default / Sewer Baiting etc	-703	-176	-225	-50	-810	-107	Ukrainian Work £90k. See append 2
Sub-Total	-703	-176	-225	-50	-810	-107	
Overall Total	3,646	918	899	-18	3,649	4	

Notes:-

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Worcestershire Regulatory Services Income 2023/24

Income from Partners	April to June 23
	£
Budget	905,159
Pension Backfunding	8,882
Bereavement / Public Burials	4,674
Pest Control Overspend - Bromsgrove, & Wychavon	0
Marlpool - Redditch	2,070
Employee for Animal Activity	10,130
Employee for Income Generation	8,281
Employee for Additional Gull Work - Worcs City	27,000
Air Quality Monitoring, Worcester Road - Wychavon	23,200
Planning Enforcement - Bromsgrove	36,750
Ukrainian Support Work - Bromsgrove & Redditch	25,877
	1,052,024
	1,052,024
 Grant Income	
Severn Trent - Sewer Baiting	3,500
	3,500
	3,500
 Other Income	
Stray Dog Income	16,964
Worcester County - Mgmt, Legal & Admin Support	13,965
County - Safety at Sport Grounds	5,000
Planning Support Work	10,146
Contaminated Land Work	5,654
PPC Work	5,904
Primary Authority work	0
Pest Control - Bath & North East Somerset Council	6,310
Training / Risk Assessments of Water Supplies / Burials etc	2,454
Vet Fee Inspection Costs Recovered	5,150
Licensing - Pre-App Advice	343
Food Training Courses / Certificates / Food Hygiene Rating / Pre-Opening	3,192
	75,083
	75,083
 Total Income Apr - June 23	1,130,607
	1,130,607
 2023/24 Base Budget from Partners	-905,159
 Total Income Excluding Budget	225,448

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WRS Board

Date: 5th October 2023

Title: Activity and Performance Data Quarter 1 2023/24

Recommendation	<p>That the Board notes the Report and that members use the contents of the activity data in their own reporting back to fellow members of the partner authorities.</p>
Background	<p>The detail of the report focuses on the first quarter of 2023/24, but the actual data allows comparison with previous quarters and previous years.</p>
Contribution to Priorities	<p>Board members have asked the service to provide data on activity levels to help reassure local members that WRS continues to address a range of issues in each partner area and more broadly across the county.</p>
Report	<p>Activity Data</p> <p>Compared with the previous 2 years, the number of food safety cases recorded during quarter fell by 33% and 30% respectively for 2021-22, and 2022-23. Most food safety cases are enquiries such as requests for business advice or requests for export health certificates. Based on the 107 actual complaints recorded during quarter one, 68% related to issues with products purchased from food businesses, whilst 32% related to poor hygiene standards or practices.</p> <p>Of the 370 interventions conducted at businesses included in the Food Hygiene Rating Scheme (FHRS) during quarter one, 11 were rated as non-compliant (0, 1 or 2). Over half these ratings were issued to the hospitality sector (i.e., pubs, clubs, or takeaways.)</p> <p>Despite the increase in numbers of accidents between Q4 last and Q1, the number of health and safety at work cases recorded during quarter one (accidents, complaints and enquiries is 29% lower than the same period in both 2021-22 and 2022-23. Approximately 49% of cases were reports of accidents, with 72% of accidents relating to injuries where a worker was incapacitated for more than seven days or injuries to members of the public.</p>

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As ever, slips, trips, and falls continue to be the most prominent causes of accidents.

Stray or lost dogs recorded by WRS during quarter one shows a significant increase compared to the same periods in both 2021-22 and 2022-23 (50%/24% respectively). Officers have been suggesting this would happen for some time, with a combination of post-pandemic returns to work combined with the cost-of-living pressures meaning keeping a dog is much harder for households compared with 2 years ago. Approximately 89% of reported cases related to stray or lost dogs, with 67% of cases relating to "contained strays" (meaning dogs were found and held by a member of the public). Overall, 65% of strays were reunited with their owners, however, figures vary significantly between local authorities.

WRS receives very few dog control complaints a relatively low number of dog control complaints. Based on the 21 recorded, 9 related to dog fouling and persistent straying, 8 related to dangerous dogs, and 4 related to welfare concerns. Dangerous dog matters and general welfare issues outside of straying are usually referred to the relevant agencies including West Mercia Police.

The seasonal increase in applications occurred in Q1, as a significant number of hospitality businesses apply for Temporary Events during the summer months. Figures would suggest that this year's figures probably represent a balancing position, with businesses looking for fewer events than last year but still more than the year before as we came 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.

Beyond applications and registration, the service receives many more enquiries about licensing matters than complaints about licensed or unlicensed activity. Based on the 173 complaints recorded, 41% related to taxi licensing, 32% to alcohol licensing, and 17% to animal licensing.

It appears that the fall in requests for planning support has finally ceased and is beginning to pick up again. The number of planning enquiries completed during quarter one still lower than the same period in 2021-22 by 32%, however the figure represents an increase of 14% compared to 2022-23. The vast majority of enquiries (92%,) relate to consultations, with 45% asking about contaminated land. Around 20% of enquiries were completed, on a contractual basis, on behalf of local authorities outside of the County.

Pollution cases followed their usual trend as members will see from the graph, with increasing numbers as we moved from Spring and into Summer. However, in terms of numbers, quarter one showed a reduction of 16% compared to 2021-22, and a reduction of 9% compared to 2022-23. Whilst numbers are slightly lower, public expectations around what can be done remain high and challenging.

Approximately 76% of the cases recorded related to noise nuisances, with noise from domestic properties like dog barking or noise from audio-visual equipment being the most prominent sources. Around 11% of reported cases related to smoke nuisances such as the burning of domestic or commercial waste.

Performance

As always, reporting against the suite of indicators is more limited for the first quarter. The non-business customer measure at 69.3% is up compared with 55.6% at this time last year and 59.2% figure at year-end last year but slightly below the 71% figure at the end of Q1 in 2021/2. Speed of response, the time taken to deal with the issue and the overall outcome remain things to improve, although the latter may relate to people's expectations being beyond what the law can deliver. The proportion of people who felt better equipped going forward at 68.8% is significantly better than the 46.7% at this time last year and almost the same as the 69% at the same point 2 years ago. Satisfaction for business customers remains good at 97%.

We report 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 outnumber complaints significantly, with the figure currently 34 to 4.

Staff sickness is at 0.76 days per FTE, which is slightly below the previous 2 year's figures for this period (0.9, 0.87) and below the 0.85 days per FTE from the same period in 2019, pre-pandemic. This is therefore in the normal range for the period or slightly better.

Contact Points

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Background Papers

Appendix A: Activity Report (separate document)
Appendix B: Performance indicators Table

Appendix B: Performance indicator table

Table of PIs 2023/24

Indicator	Reporting period	Q1	Q2	Q3	Q4/ Outrun
1. % of service requests where resolution is achieved to customers satisfaction	Quarterly NB: fig is cumulative	69.3			
2. % of service requests where resolution is achieved to business satisfaction	Quarterly NB: fig is cumulative	97			
3. % businesses broadly compliant at first assessment/ inspection	Annually	98.4	Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire		Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire
4. % of food businesses scoring 0,1 or 2 at 1 st April each year	Annually	1.6	Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire		Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire
5. % of drivers licence renewal applications issued within 5 working days of receipt of a complete application	6-monthly	NA		NA	
6. % of vehicles found to be defective whilst in service Number of vehicles found to be defective by district and the percentage this	6-monthly	NA		NA	

Agenda Item 5

	represents of the fleet county-wide					
7	% of service requests where customer indicates they feel better equipped to deal with issues themselves in future	Quarterly NB: fig is cumulative	68.8			
8	Review of register of complaints/compliments	Quarterly NB: fig is cumulative	4/34			
9	Annual staff sickness absence at public sector average or better	Quarterly NB: figure is cumulative	0.76 days per FTE			
10	% of staff who enjoy working for WRS	Annually	NA	NA	NA	
11	% of licensed businesses subject to allegations of not upholding the 4 licensing objectives	6-monthly	NA	Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire	NA	Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire
12	Rate of noise complaint per 1000 head of population	6-monthly	NA	Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire	NA	Bromsgrove Malvern Hills Redditch Worcester City Wychavon Wyre Forest Worcestershire
13	Total income expressed as a % of district base revenue budget (16/17)	6-monthly	NA		NA	

Agenda Item 5

14 Cost of regulatory services per head of population (Calculation will offset income against revenue budget)	Annually	NA	NA	NA	
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Worcestershire
Regulatory Services

Supporting and protecting you

Activity Report | 2023-24



Bromsgrove
District Council
www.bromsgrove.gov.uk



Malvern
Hills
District
Council
www.malvernhills.gov.uk



REDDITCH BOROUGH COUNCIL
making
a
difference
www.redditchbc.gov.uk



Worcester
CITY COUNCIL



WYCHAVON
DISTRICT COUNCIL
good services, good value



Wyre Forest
District Council

Foreword

Welcome to the first activity report for 2023/24. It follows the familiar format that long standing Board members will have seen many times. This covers the period 1st April to 30th June 2023, but the graphs and tables allow comparison with the data in previous quarters and years.

Stray dog numbers increased from the end of Q4 last year through Q1 of this year. Dog control complaints more or less followed the trend line.

Food cases (complaints and enquiries,) followed the downward trend line and a good number (over 350,) food interventions under FHRS took place. The number of accidents reported increased during Q1 but only as far as the trend line with complaints and enquiries on health and safety falling.

Information requests fell from the end of Q4 last year finished slightly below the trend at the end of June, whilst requests for the planning system continued the slow increase that began last Autumn.

Licensing work remained on an even keel through the quarter, at levels close to what would be anticipated.

Pollution and nuisance complaints followed their usual seasonal upward trend from their low point at the end of Q3. The pick up in numbers seemed to begin earlier this year, likely because of the periods of relatively good weather, with June being excellent if you like the warmth. Nuisance complaint levels appear inextricably linked to the weather, with more coming in when the weather is good and windows are left open. Public Health related complaints (accumulations, public burials, etc,) followed the downward trend, more or less.

We hope the report demonstrates the volume of work staff are undertaking and that some of the stories behind the numbers highlight the difficulties staff sometimes face. If you have further queries, please feel free to contact myself and the Team Managers.



Simon Wilkes
Head of Regulatory Services

Community Environmental Health

Updates from David Mellors (Environmental Health And Trading Standards Manager)

Quarter One

The team continued its food recovery programme into 2023/4 and conducted 370 interventions at food businesses during the quarter. Some 97% of food premises across the county are rated compliant or better. However, where unsatisfactory standards were found, swift remedial action was taken, and a Simple Caution was issued to a non-compliant meat processing premises in Bromsgrove.

Officers have an ongoing investigation into premises in Redditch which prepared a meal for an employee who subsequently suffered an anaphylactic shock and are currently investigating a serious accident in Worcester where a member of the public fell down a lift shaft.

Sadly, the team are also investigating fatalities including the death of a member of the public involved in a white-collar boxing event and a child thrown from a vehicle involved in a sporting event.

However, prevention is better than cure and your Officers were proactively involved during the period in chairing Safety Advisory Groups [SAGs], whereby enforcement partners including the Police, Fire and Rescue and the Ambulance Service come together to provide advice to organisers to support them in ensuring the safety of their events. These included Worcester Racecourse, the Battle of Evesham, Three Counties Rally, Worcester Passion Play and the Worcester Balloon Festival.

A noise abatement notice was served in connection with a Bromsgrove property in January due to noise from barking dogs. The notice was subsequently breached this quarter and legal proceedings are now pending.

Officers contributed to Worcester City's consultation response in respect of Airbnb premises and engaged with Central Government in respect of emissions from wood burners.

Licensing

Updates from Kiran Lahel (Licensing And Support Services Manager)

Quarter One

The team commenced Quarter 1 busier than the start of Quarter 4 with Licensing applications and queries up compared to this time last quarter. Officers encourage the return of fully completed applications however there still remain many where officers need to chase for information which can cause a bottleneck in the system. The introduction of payment automation will see a reduction in this and bring in long term efficiencies.

Taxi queries remain the highest area of contact and officers proceed to meet the demands of a continuously growing number of licensed drivers and vehicles across the County. The team continue with enforcement priorities in the night time economy with officers working with both the civil enforcement teams and West Mercia Police to carry out operations. Officers also carried out a Joint enforcement operation in Bromsgrove with Wolverhampton City Council due to a number of complaints regarding Wolverhampton licensed vehicles.

Officers have been out undertaking test purchase exercises across the County in regards to the requirements under the Equality Act. Taxi drivers have a legal obligation to accept assistance dogs in their vehicles unless they have medical condition which prevents them from doing so. Three out of the six districts have so far been tested with further testing planned for the remainder of the year.

Animal Licensing queries have also seen a steady increase and the team are working with the intelligence team to introduce a new process to deal with unlicensed breeders. Currently the guidance of what stipulates a licensed breeder is confusing for those that require a licence so the team continue to engage with DEFRA, the Canine Feline Sector Group and the Local Animal Welfare Group to Nationally review the guidance. There were two Zoo inspections that took place this quarter at the Falconry Centre and All things Wild and officers were happy with both visits so no immediate follow up visits are required.

Work in the Night Time Economy continues with officers engaging with West Mercia Police and district colleagues to carry out joint visits to events and premises which are of concern and where issues have been identified in previous years. Officers continue to attend pubwatch meetings, meetings with Worcester Bid and the district economic development teams to advise and keep abreast of any new developments in each district.

Finally Members training commenced towards the end of the quarter for all six districts and took a slightly different format than previous years, using roleplay in some districts and videos in others to allow more interaction than previously. Feedback has been positive and officers will continue to look at different ways to ensure engagement and momentum in these sessions.

Technical Services

Updates from Mark Cox (Technical Services Manager)

Quarter One

Air Quality

Following the successful award of an Air Quality Grant from DEFRA in Q4 2023, progress to start the planning and implementation of the grant was commenced. Progress on the selection and purchase of monitors progressed as well as location planning.

To identify measures for the Worcester City section of the Air Quality Action Plan and Air Quality Strategy, the structure of the AQ Steering Group was expanded to include 3 subgroups based on Transport & Planning, Public Health and Sustainability subject areas. These groups are working together to identify measures that will bring about the necessary air quality improvements. Work has commenced on identification of air quality improvement measures in Bromsgrove and Wyre Forest areas.

Contaminated Land

Contaminated land related work for the 6 Worcestershire Districts and Gloucester City and South Gloucestershire Councils continued, providing responses to environmental requests in relation to property sales, consultants enquiries and any other requests for info. Our work continues to involve a lot of complex sites with historical land use which are dealt with via the planning process in each of the districts. A few examples of particularly complex sites included:

The part demolition and site clearance of the former Blue Bird factory site in Bromsgrove for redevelopment to provide 116 residential dwellings (Use Class C3), consisting of both new dwellings and conversion of the Welfare and Administration buildings, along with associated landscaping; drainage; engineering; highways and access works.

The proposed development of a former Aluminium Foundry near Kidderminster into Energy and Resource Park.

The demolition of an old fuel depot in Gloucester and site remediation and associated earthworks to facilitate development for 70 residential dwellings with associated infrastructure and open space, to include creation of development platforms, provision of flood compensation and structures for ecological mitigation.

Engineering works to remediate site of an old Gas Works site in Gloucester.

Nuisance Planning and Permitting Processes

Our environmental health planning work for the 6 Worcestershire Districts plus Gloucester City and Tewkesbury continued including many new takeaways and a notable number of solar farms with battery storage.

We received a permit application for a new precious metal recovery process in Redditch which is also jointly regulated with the Environment Agency as well as dealing with planning matters relating to the same. Further to the requirements of the Industrial Emissions Directive all permits have been published on our website as well as routine For Gloucester, work was ongoing for A2 for solvent impregnation Permitting Application (170 representations) and Granting Part B for filament winding. A successful Prosecution of Strickland Trucks resulted in a conditional discharge after operating for over ten years without the required permit to control environmental pollution.

Homes for Ukraine Support Workers

Following the cessation of the support to Malvern Hills and Wychavon Councils with their Homes for Ukraine schemes, we continue to support Redditch and Bromsgrove by managing the scheme on their behalf with three from the former COVID Advisor team who act as support workers. All guests who come to the UK on the Homes for Ukraine scheme have a 3-year visa, and the council have a duty of care of the guests for the full 3-year period. The support workers continue with the safeguarding and welfare checks, also helping with rematching / rehoming process with some host and guest coming to the end of their sponsorship and sometimes where there is a relationship breakdown and are still providing a lot of after care when the guests become independent moving into a private rental accommodation such as helping set up bills and finding local schools etc.

Across the two districts there are 45 families still with hosts, 7 families moved into social housing, 22 families moved into private renting, 12 families return to Ukraine and 18 families moved to a different county or country. There have been 19 arrivals in 2023.

IT Development

As well as our normal day to day work, the first quarter of the financial year is always busy as we prepare and submit most of our government returns. During the quarter we also collaborated closely with our host IT as they implemented a new web-based telephone system. We also had similar involvement at the start of the process of changing the mobile phone provider for all staff and our cyber security training system.

We have worked on Service-wide projects, including the Automation Project and initial work to introduce a new mapping system for our back-office database. Over the quarter we have taken part in various activities designed to increase the security and resilience of the computer system we use. These activities include regular updates and patches to our main back-office system, record retention and deletions.

We have continued income generation work with IDOX database support for colleagues in Bromsgrove and Redditch Planning, Worcestershire Trading Standards, and Tewkesbury Borough Council's Environmental Health and Licensing teams.

Dog Warden Service

The stray dog service remains incredibly busy with an ever increasing number of dogs received with welfare concerns. Most dogs with welfare concerns are not being claimed by their owners putting pressure on the service to find homes for dogs with such complex needs as well as increased veterinary bills for the service and prospective new owners.

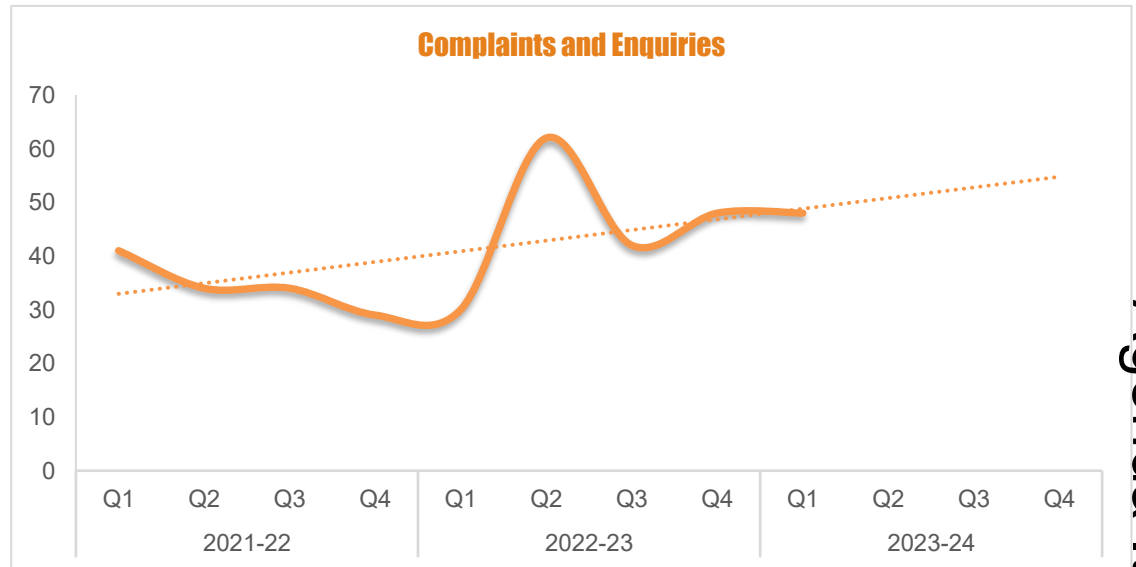
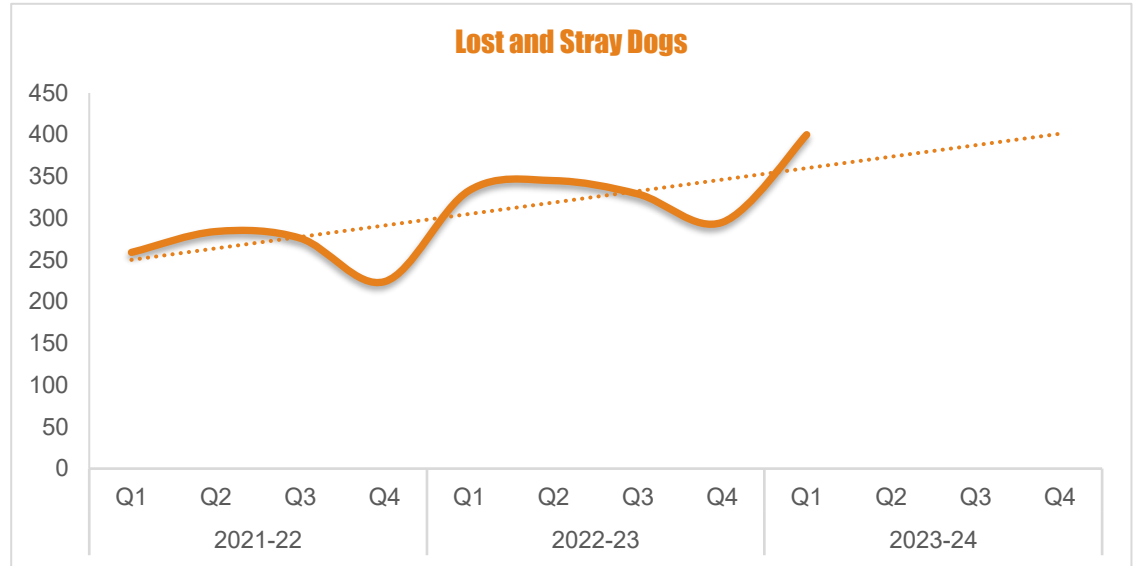
Dog Control

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to dog control. Types of cases recorded under this category include fouling and persistent straying, dangerous dogs and welfare. The chart (bottom right) shows the number of dogs recorded by WRS as lost, found or seen straying.

Comments

The number of stray or lost dogs recorded by WRS during quarter one is an increase of 50% compared to 2021-22, but an increase of 24% compared to 2022-23. Approximately 89% of cases related to stray or lost dogs, with 67% of cases relating to "contained strays" (meaning dogs were found and held by a member of the public). Overall, 65% of strays were reunited with their owners, however, figures vary significantly between local authorities. Over the last three years you will note that, in Worcestershire, the number of dogs is increasing which is different to pre-pandemic levels which showed a long term trend of decreasing numbers of stray dogs being reported to the Council.

In general terms, WRS receives a relatively low number of dog control complaints. Based on the 21 complaints recorded, 9 related to dog fouling and persistent straying, 8 related to dangerous dogs, and 4 related to welfare concerns.



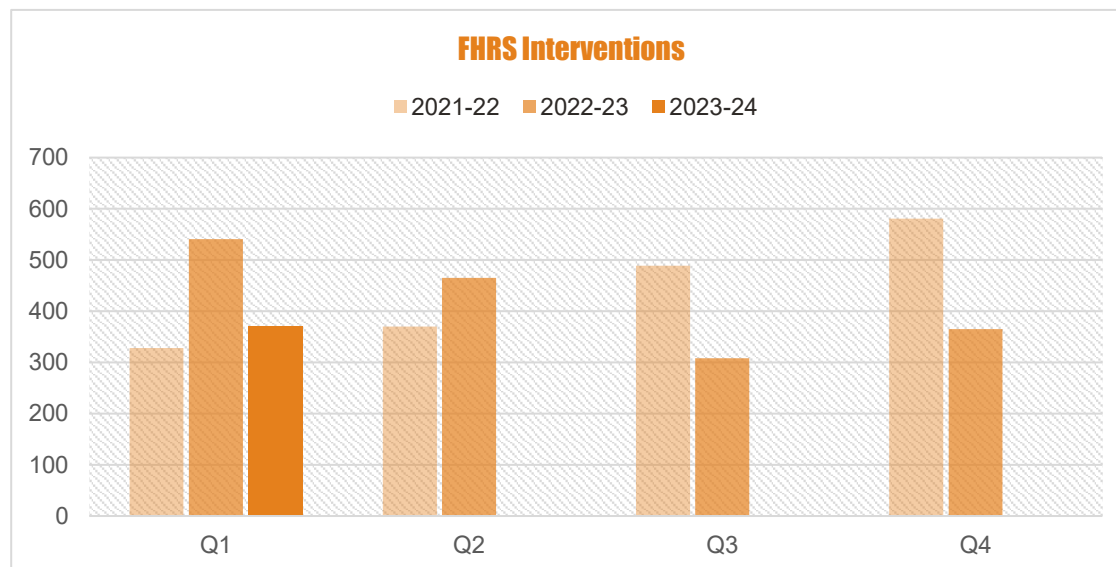
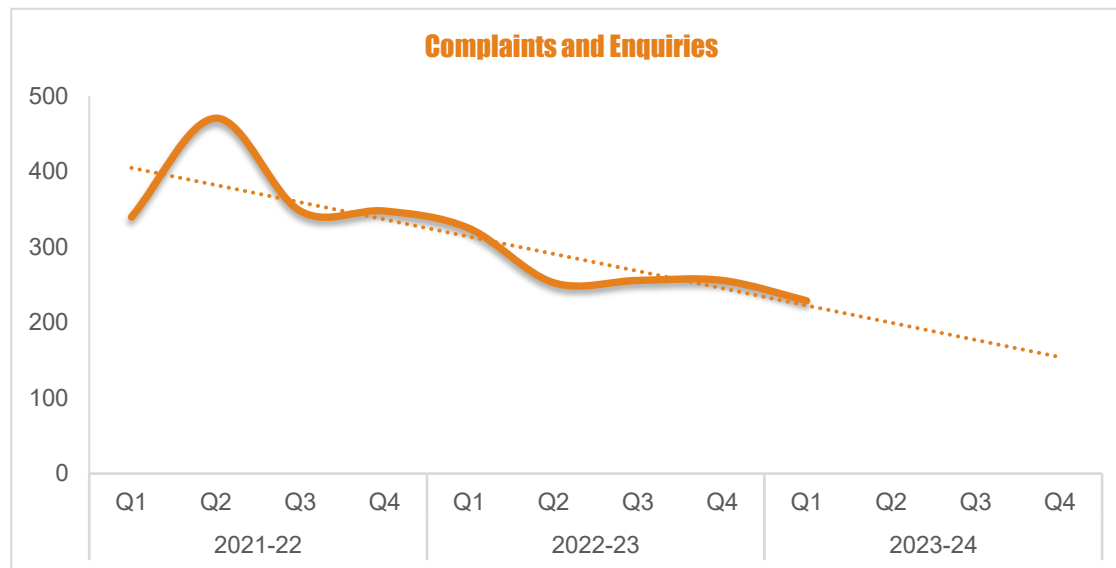
Food Safety

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to food safety. Types of cases recorded under this category include complaints about food products, hygiene of premises complaints and requests for business advice. The chart (bottom right) shows the number of interventions conducted by WRS at premises included in the Food Hygiene Rating Scheme, commonly known as FHRs.

Comments

The number of food safety cases recorded by WRS during quarter one is a reduction of 33% compared to 2021-22, and a reduction of 30% compared to 2022-23. In general terms, a higher proportion of food safety cases are enquiries such as requests for business advice or requests for export health certificates. Based on the 107 complaints recorded during quarter one, 68% related to issues with products purchased from food businesses, whilst 32% related to poor hygiene standards or practices.

Of the 370 interventions conducted at businesses included in the Food Hygiene Rating Scheme (FHRs) during quarter one, 11 were rated as non-compliant (0, 1 or 2). Over half these ratings were issued to pub, clubs, or takeaways.

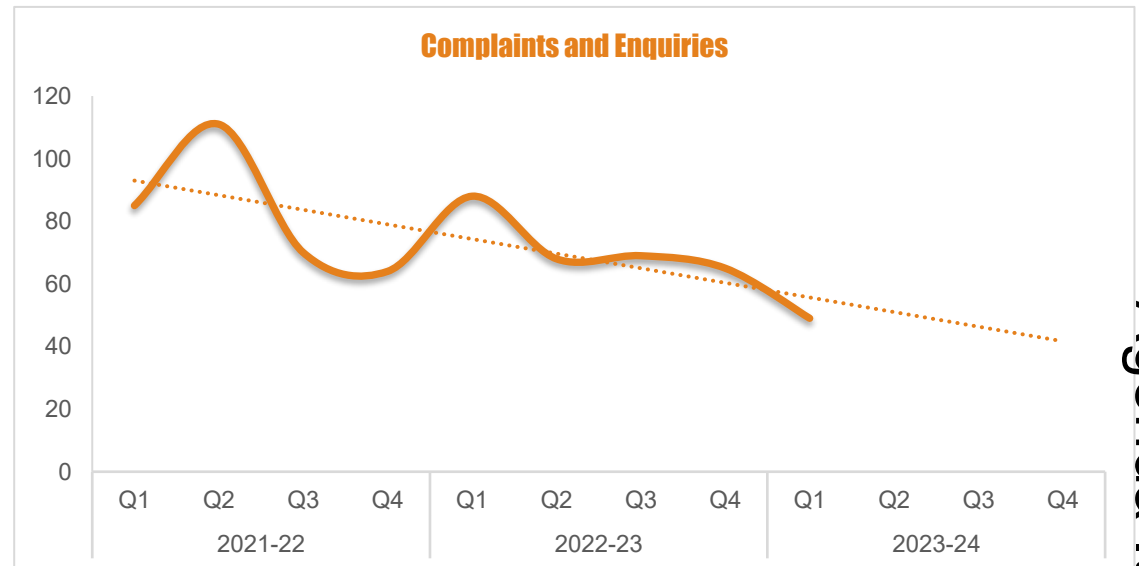
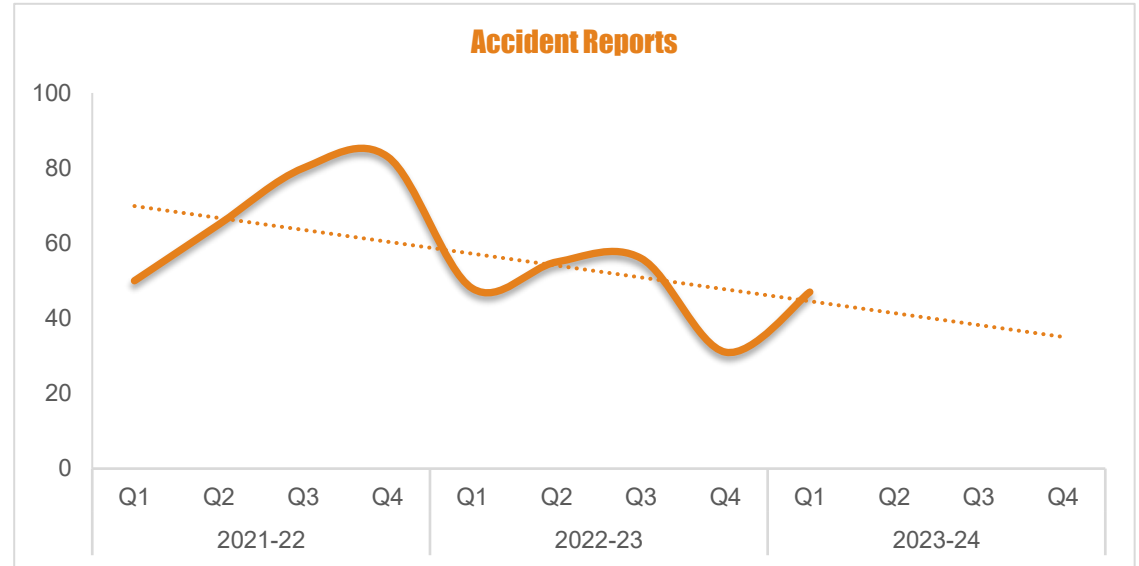


Health and Safety

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to health and safety at work. This includes requests for business advice. The chart (bottom right) shows the number of notifications received by WRS relating to accidents.

Comments

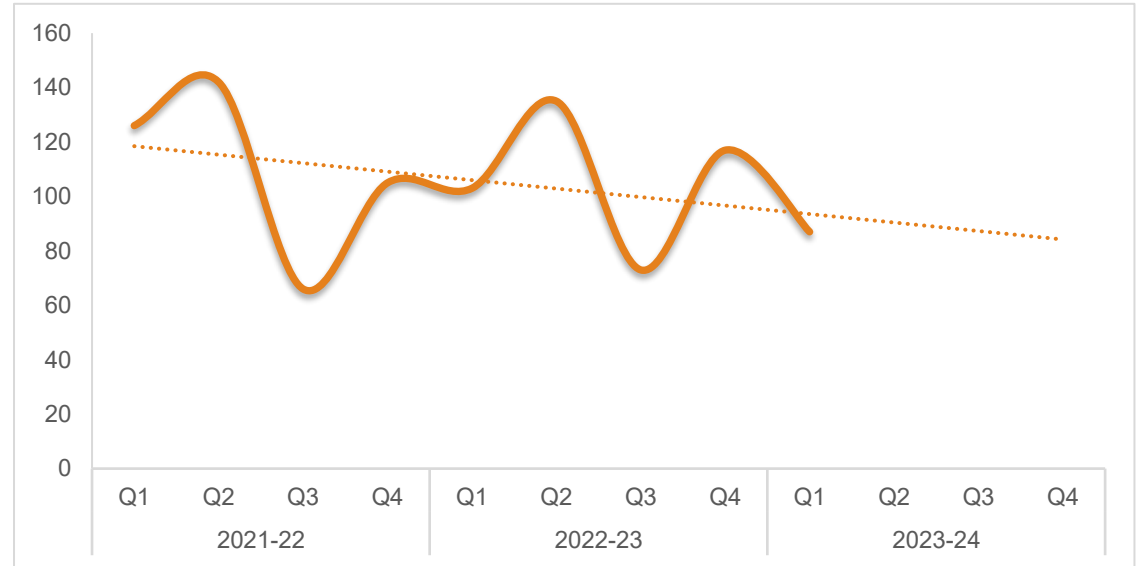
The number of health and safety at work cases recorded by WRS during quarter one is a reduction of 29% compared to 2021-22 and 2022-23. Approximately 49% of cases were reports of accidents, with 72% of accidents relating to injuries where a worker was incapacitated for more than seven days or injuries to members of the public. Slips, trips, and falls continues to be the prominent cause of accidents.



Information Requests

The chart (right) shows the number of information requests recorded by WRS over a three year period. Information requests can relate to either the following;

- Environmental Information Requests
- Freedom of Information Requests
- Requests for information under the Data Protection Act 2018 and General Data Protection Regulation (GDPR)

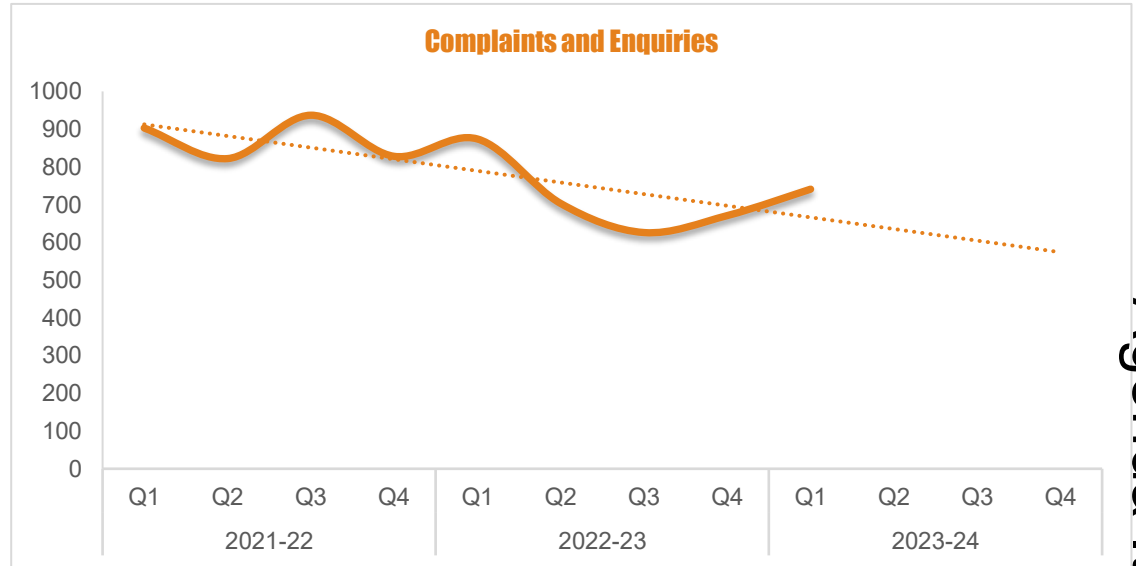
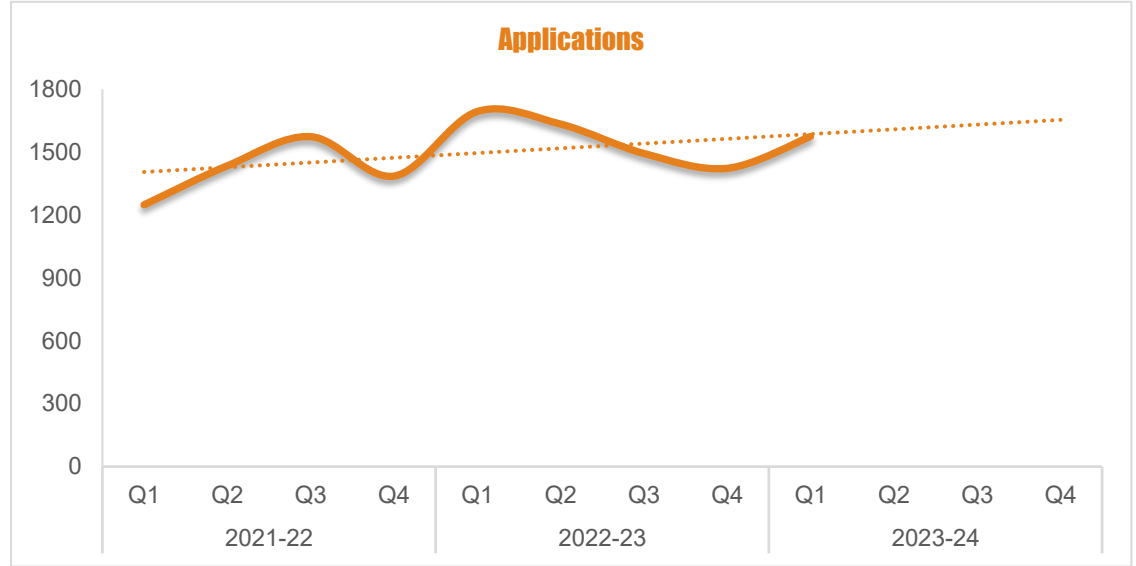


Licensing

The chart (top right) shows the number complaints and enquiries recorded by WRS over a three year period relating to licensing. The chart (bottom right) shows the number of licensing applications.

Licensing complaints, enquiries and applications relate to the following;

- Alcohol and entertainment (including gambling)
- Animals
- Caravans
- Scrap metal
- Sex establishments
- Skin piercing
- Street trading
- Taxis



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Comments

The number of licensing cases recorded by WRS during quarter one is an increase of 8% compared to 2021-22, but a reduction of 10% compared to 2022-23. Approximately 68% of cases were applications and registrations; with 30% relating to temporary events, 27% relating to private hire or hackney carriage vehicles, and 14% relating to driver licences.

In general terms, WRS receives a higher number of enquiries about licensing matters than complaints about licensed or unlicensed activity. Based on the 173 complaints recorded, 41% related to taxi licensing, 32% to alcohol licensing, and 17% to animal licensing.

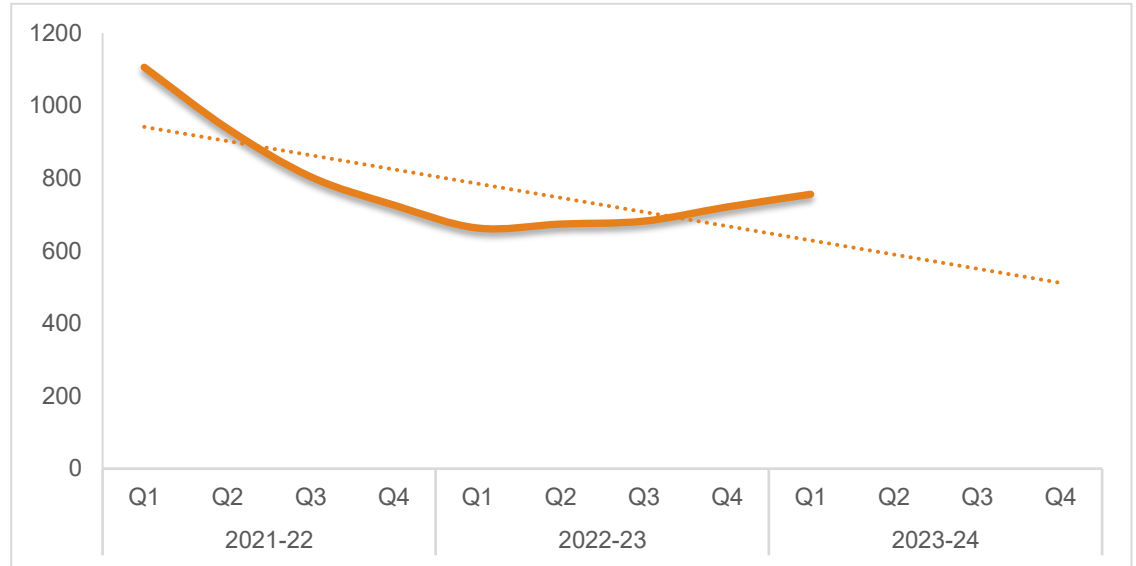
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Planning

The chart (right) shows the number of planning enquiries completed by WRS over a three year period. The majority of these requests are consultations but can also include requests to discharge conditions.

Planning requests relate to the following;

- Air Quality
- Contaminated Land
- Environmental Permitting
- Food
- Health and Safety
- Nuisance / Noise
- Private Water Supplies



Comments

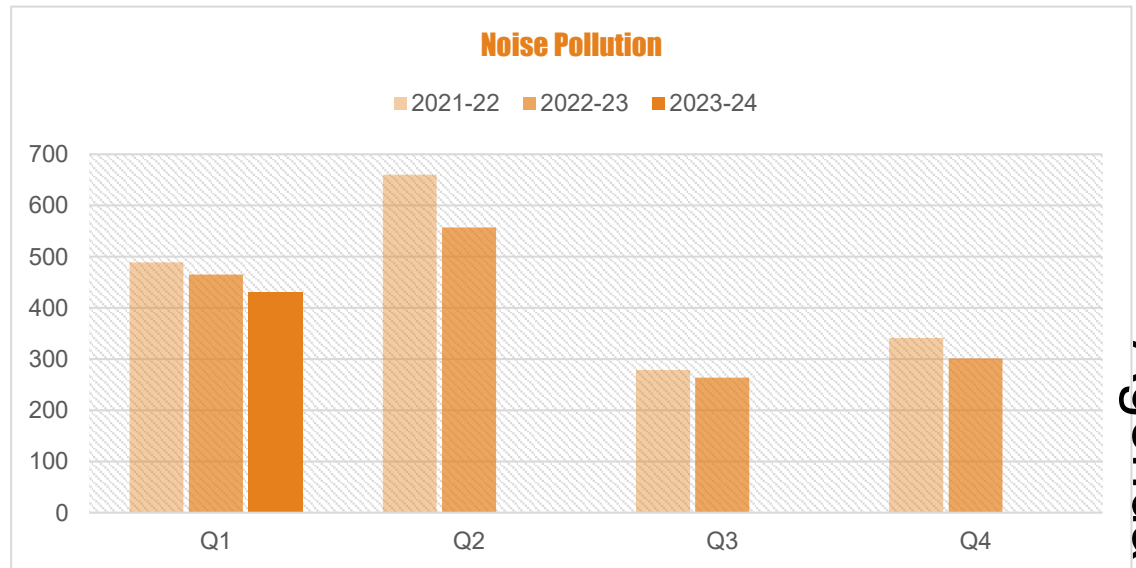
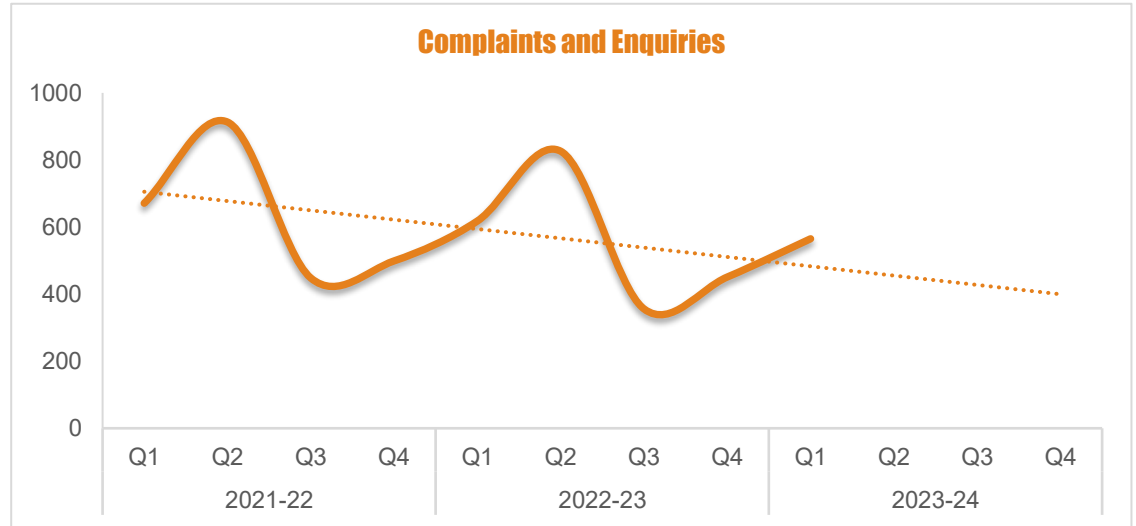
The number of planning enquiries completed by WRS during quarter one is a reduction of 32% compared to 2021-22, but an increase of 14% compared to 2022-23. Approximately 92% of enquiries were consultations, whilst 45% related to contaminated land. Around 20% of enquiries were completed, on a contractual basis, on behalf of other local authorities.

Pollution

The chart (right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to pollution. Types of cases recorded under this category include contamination incidents, air pollution (smoke, fumes and gases), light pollution and noise pollution. The chart (bottom right) shows the number of complaints and enquiries relating to noise pollution.

Comments

The number of pollution cases recorded by WRS during quarter one is a reduction of 16% compared to 2021-22, and a reduction of 9% compared to 2022-23. It should be noted, however, that case totals are in line with seasonal variations. Approximately 76% of cases related to noise nuisances, with noise from domestic properties (such as noise from dog barking or noise from audio-visual equipment) the most prominent sources. A further 11% of cases related to smoke nuisances such as the burning of domestic or commercial waste.



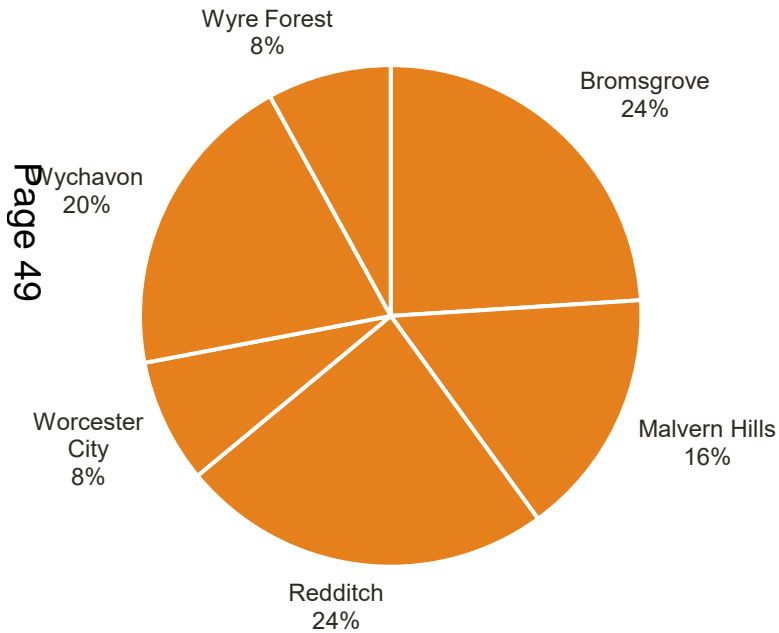
01/06/2024

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Noise

The table (right) shows the top 25 wards in Worcestershire with the highest case rate for noise pollution cases. It also shows the relative population and the number of cases recorded. The chart (below) shows the top 25 wards by district.

Note: Data shown on this page represents the 'year to date' and will continue to increase each quarter until the end of year report is published.

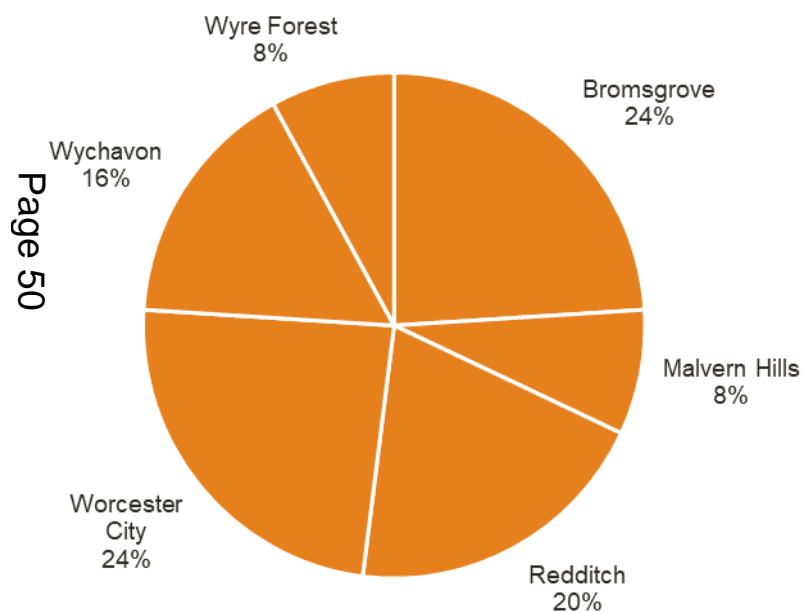


Ward	Total	Population	Rate
Honeybourne And Pebworth	10	2,844	3.52
Lowes Hill	6	2,854	2.10
Central (Redditch)	12	6,841	1.75
Cathedral	19	11,760	1.62
Link	9	6,455	1.39
Perryfields	2	1,557	1.28
Ombersley	3	2,459	1.22
Droitwich Central	3	2,621	1.14
Winyates	9	8,139	1.11
Greenlands	10	9,462	1.06
Rock Hill	3	2,970	1.01
Matchborough	6	6,029	1.00
Droitwich West	5	5,217	0.96
Drakes Cross	3	3,202	0.94
Saint John	8	8,736	0.92
Priory	4	4,384	0.91
Batchley And Brockhill	8	8,930	0.90
Mitton	9	10,110	0.89
Lindridge	2	2,298	0.87
Lickhill	2	2,409	0.83
Bromsgrove Central	3	3,861	0.78
Norton	3	3,876	0.77
West (Malvern)	3	3,996	0.75
Abbey	5	6,719	0.74
Bengeworth	6	8,144	0.74

Noise (2022/23)

The table (right) shows the top 25 wards in Worcestershire with the highest case rate for noise pollution cases. It also shows the relative population and the number of cases recorded. The chart (below) shows the top 25 wards by district.

Note: Data shown on this page represents the last financial year and has been taken from the 2022-23 Activity Report.



Ward	Total	Population	Rate
Marlbrook	16	2,878	5.56
Lickhill	11	2,409	4.57
Arboretum	24	6,130	3.92
Warndon	22	5,661	3.89
Headless Cross And Oakenshaw	32	8,282	3.86
Perryfields	6	1,557	3.85
Rainbow Hill	20	5,418	3.69
Cathedral	43	11,760	3.66
Teme Valley	7	2,059	3.40
Greenlands	32	9,462	3.38
Church Hill	27	7,991	3.38
Omersley	8	2,459	3.25
Honeybourne And Pebworth	9	2,844	3.16
Lowes Hill	9	2,854	3.15
Gorse Hill	18	5,764	3.12
Evesham South	16	5,429	2.95
Foley Park And Hoobrook	31	10,689	2.90
Abbey	19	6,719	2.83
Nunnery	23	8,193	2.81
Droitwich South West	14	4,994	2.80
Batchley And Brockhill	25	8,930	2.80
Priory	12	4,384	2.74
Charford	10	3,677	2.72
Barnt Green And Hopwood	8	2,951	2.71
Rock Hill	8	2,970	2.69

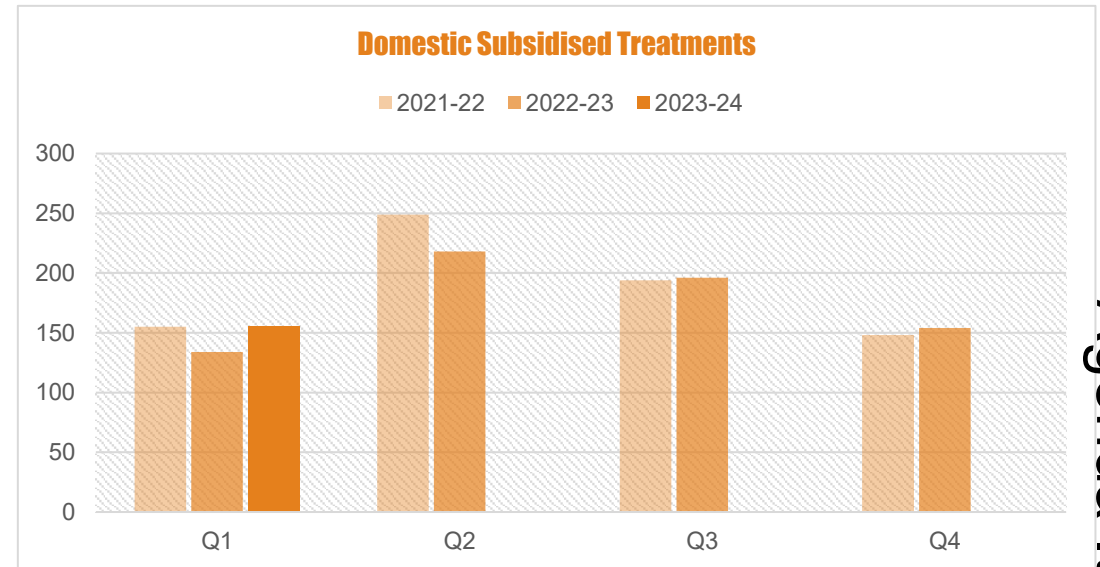
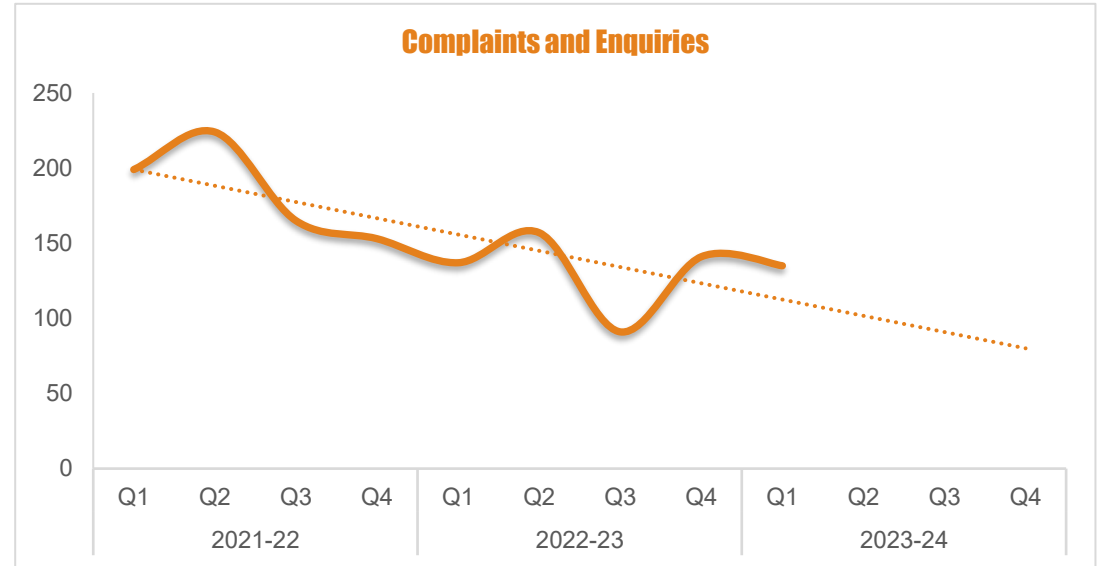
Public Health

The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to public health. Types of cases recorded under this category include accumulations, public burials and pest control. The chart (bottom right) shows the number of subsidised pest control treatments have been carried out by contractors at domestic properties in four Worcestershire Districts (Bromsgrove, Malvern Hills, Redditch and Wychavon). Worcester City and Wyre Forest do not offer a subsidised pest control service.

Comments

The number of public health cases recorded by WRS during the year is a reduction of 35% compared to 2021-22, but broadly consistent with 2022-23. Approximately 63% of cases have related to pest control, such as enquiries about domestic treatments enquires about sewer baiting, or complaints about pest control issues caused by the activity of neighbouring residents or businesses. A further 24% of cases were complaints relating to accumulations at domestic properties which can also include pest control issues.

Of the 155 domestic treatments undertaken, approximately 65% have been due to issues with rats and 64% have been due to issues with pests at properties in the Redditch or Wychavon districts.



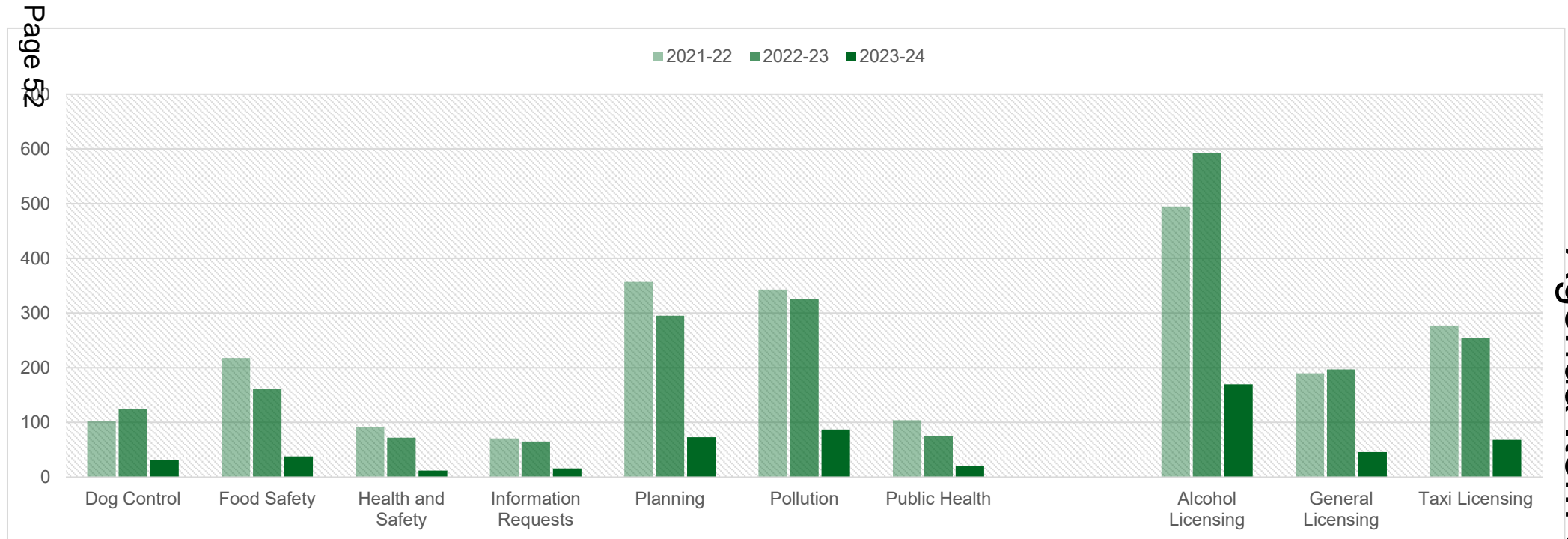
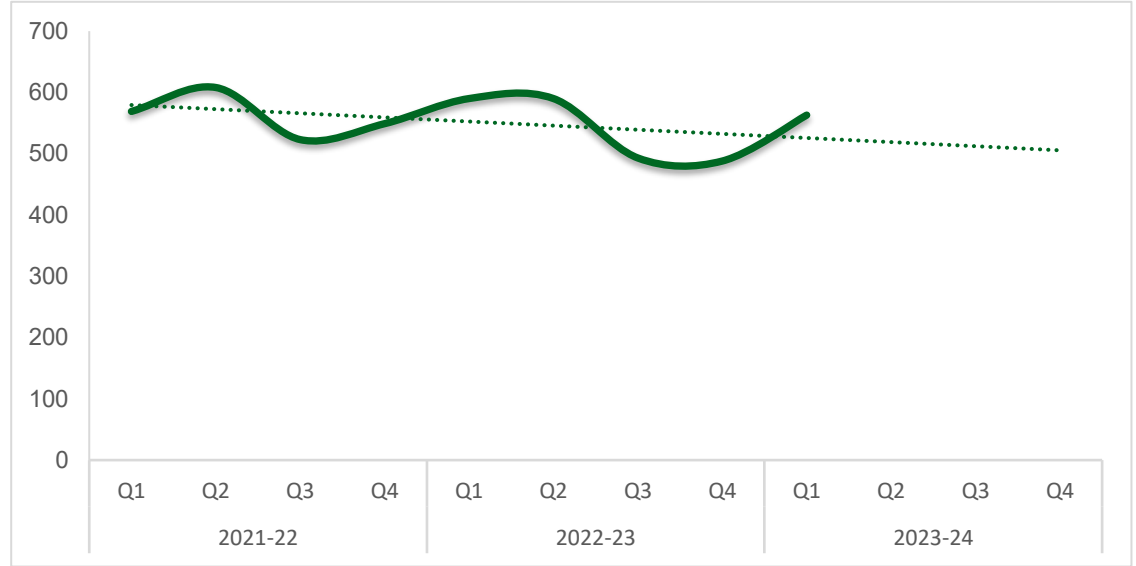
Public Health

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Bromsgrove

The data on this page relates to Environmental Health and Licensing cases (complaints, enquiries, applications and notifications) where the subject and/or enquirer were located within the Bromsgrove district.

Note: The chart (below) shows the number of cases recorded against each of the main functions undertaken by WRS. The figures for the current year are cumulative and will continue to increase until the end of year report is published.



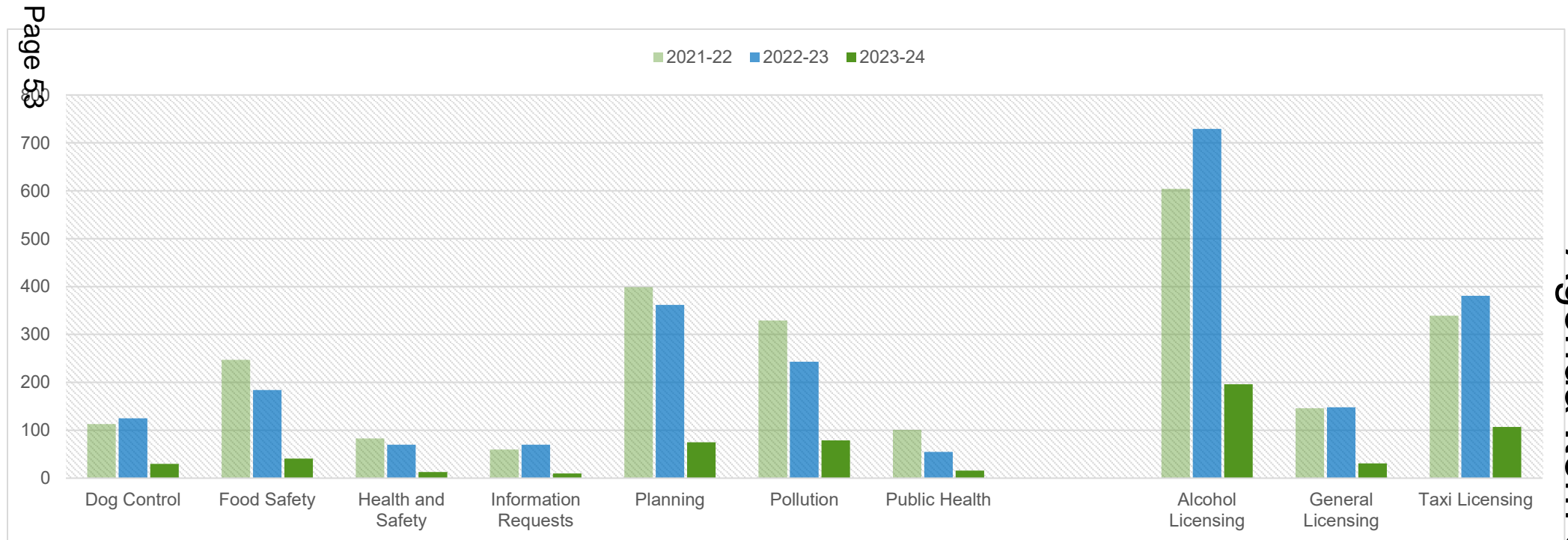
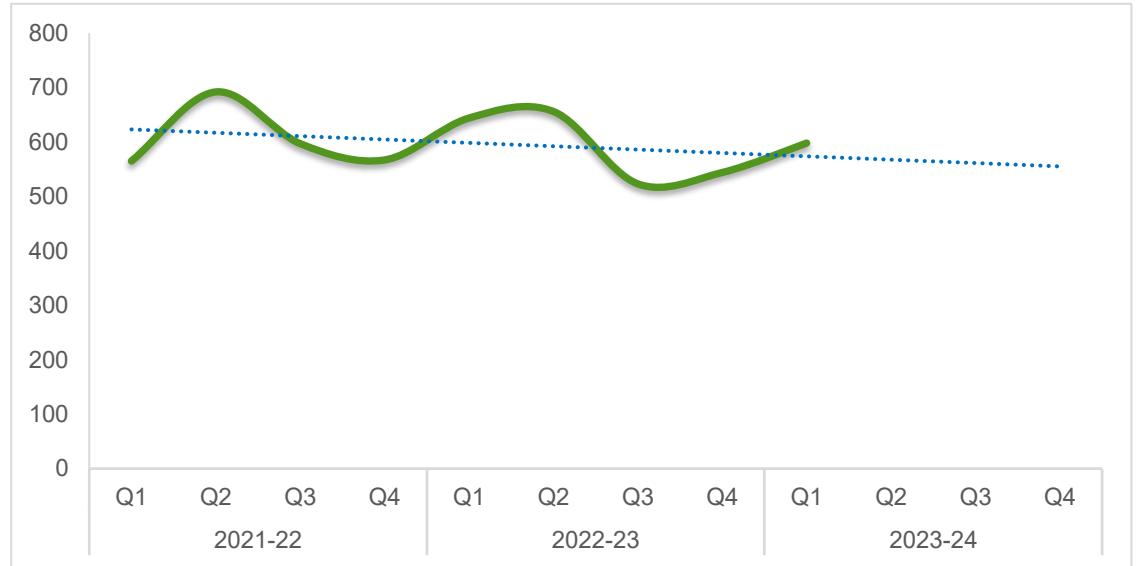
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Malvern Hills

The data on this page relates to Environmental Health and Licensing cases (complaints, enquiries, applications and notifications) where the subject and/or enquirer were located within the Malvern Hills district.

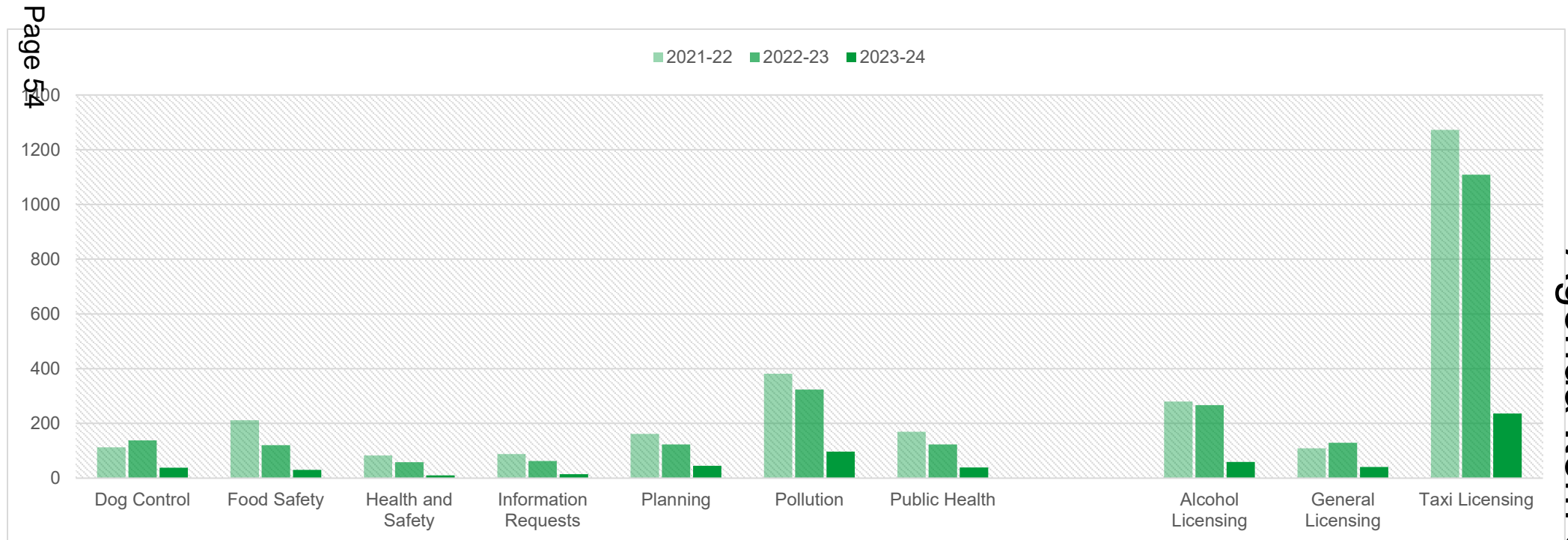
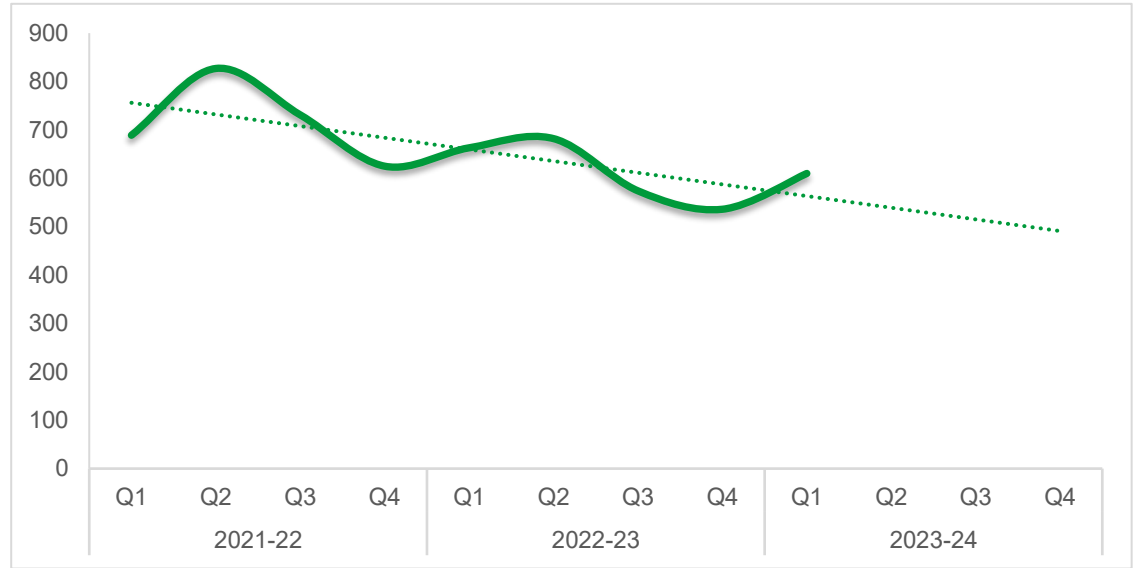
Note: The chart (below) shows the number of cases recorded against each of the main functions undertaken by WRS. The figures for the current year are cumulative and will continue to increase until the end of year report is published.



Redditch

The data on this page relates to Environmental Health and Licensing cases (complaints, enquiries, applications and notifications) where the subject and/or enquirer were located within the Redditch district.

Note: The chart (below) shows the number of cases recorded against each of the main functions undertaken by WRS. The figures for the current year are cumulative and will continue to increase until the end of year report is published.



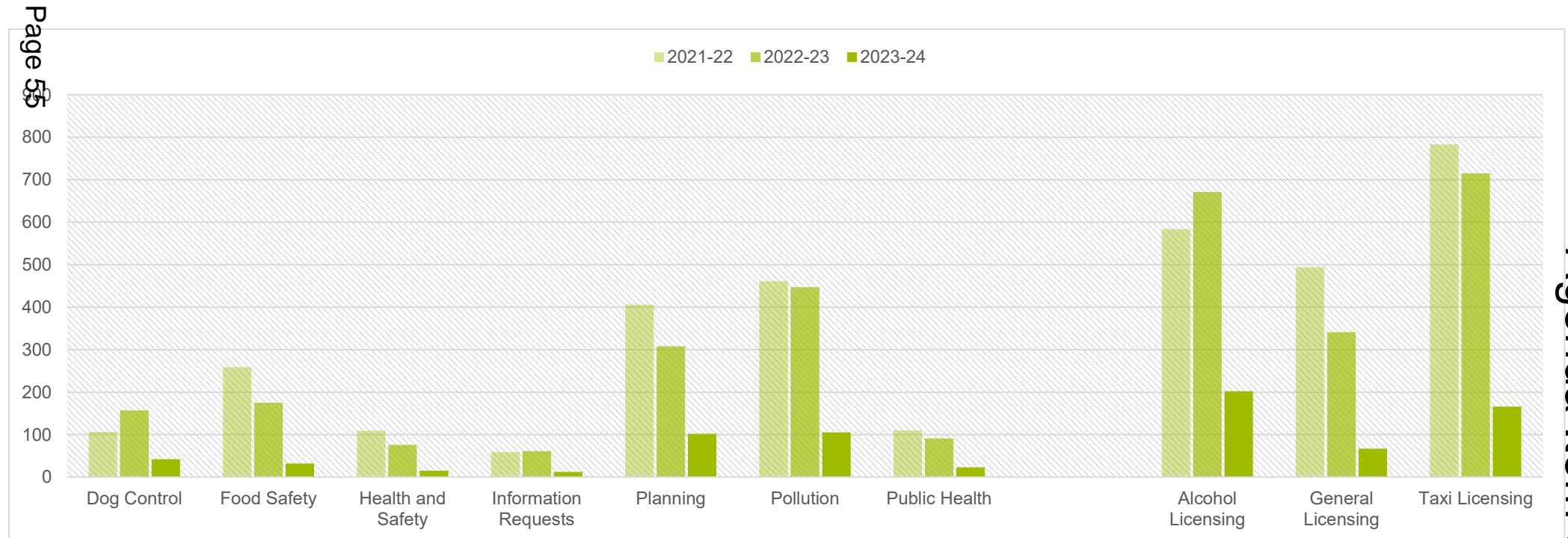
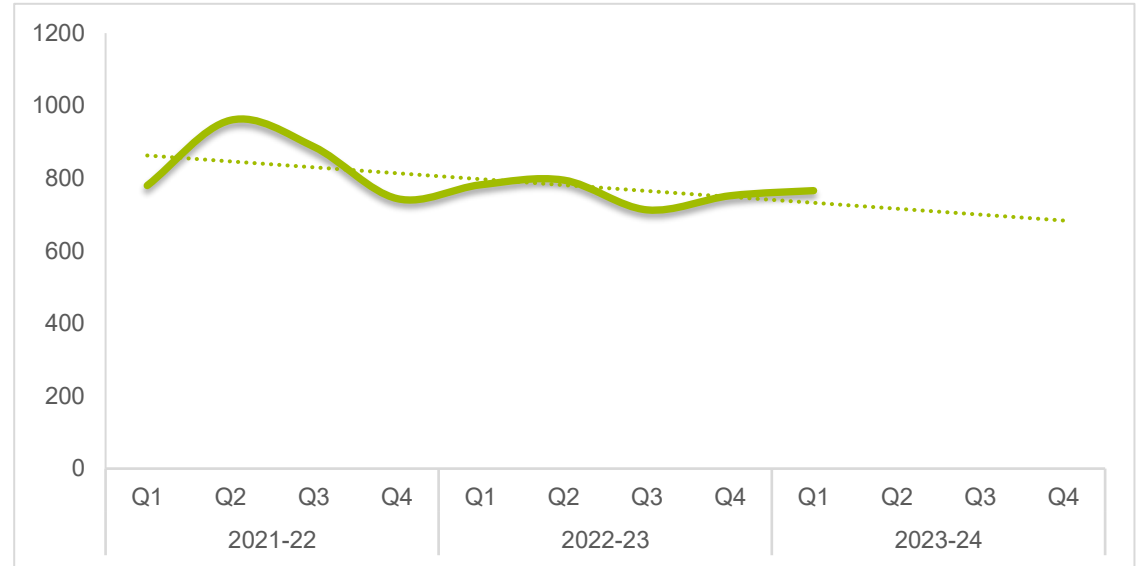
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Worcester City

The data on this page relates to Environmental Health and Licensing cases (complaints, enquiries, applications and notifications) where the subject and/or enquirer were located within the Worcester City district.

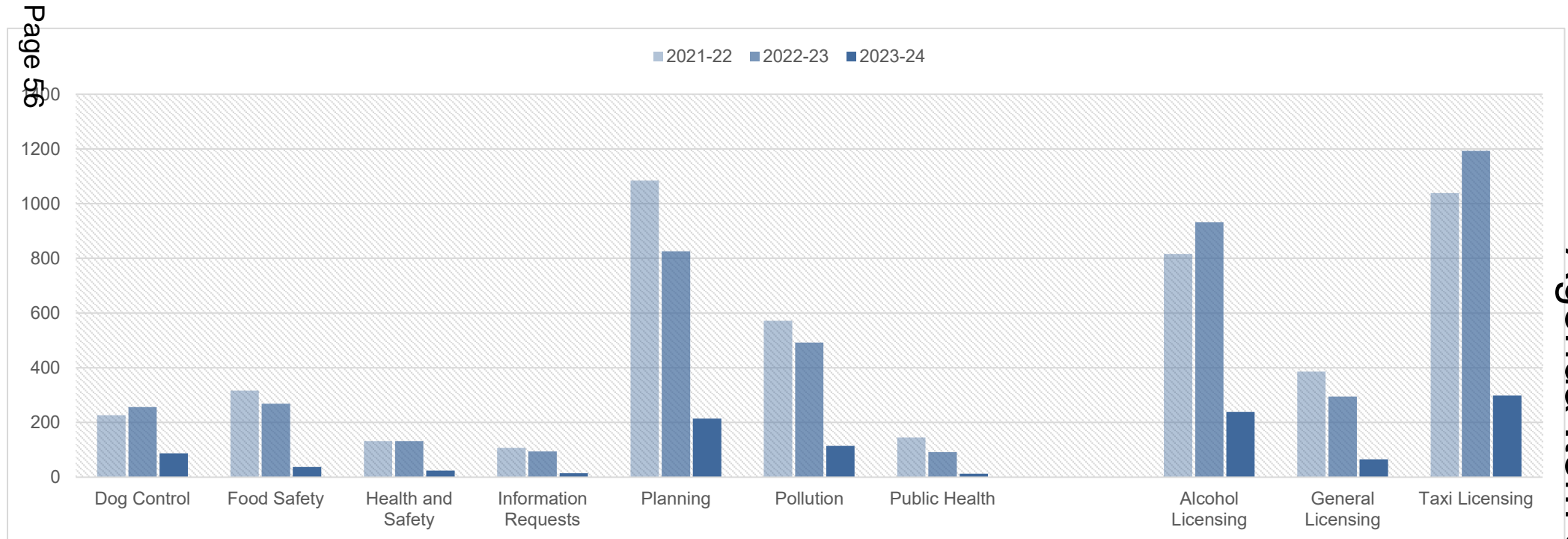
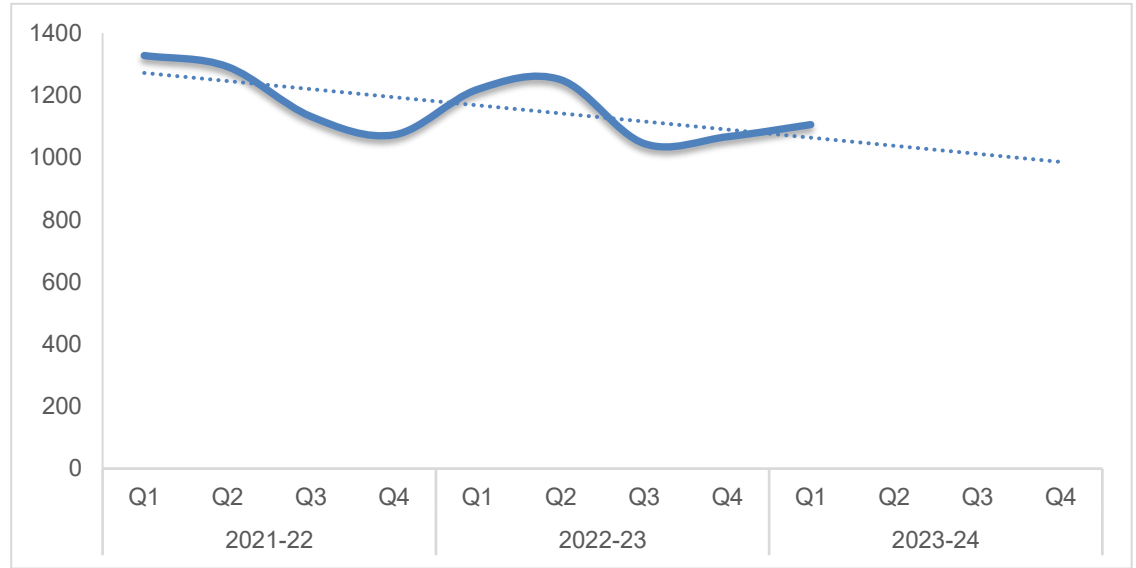
Note: The chart (below) shows the number of cases recorded against each of the main functions undertaken by WRS. The figures for the current year are cumulative and will continue to increase until the end of year report is published.



Wychavon

The data on this page relates to Environmental Health and Licensing cases (complaints, enquiries, applications and notifications) where the subject and/or enquirer were located within the Wychavon district.

Note: The chart (below) shows the number of cases recorded against each of the main functions undertaken by WRS. The figures for the current year are cumulative and will continue to increase until the end of year report is published.



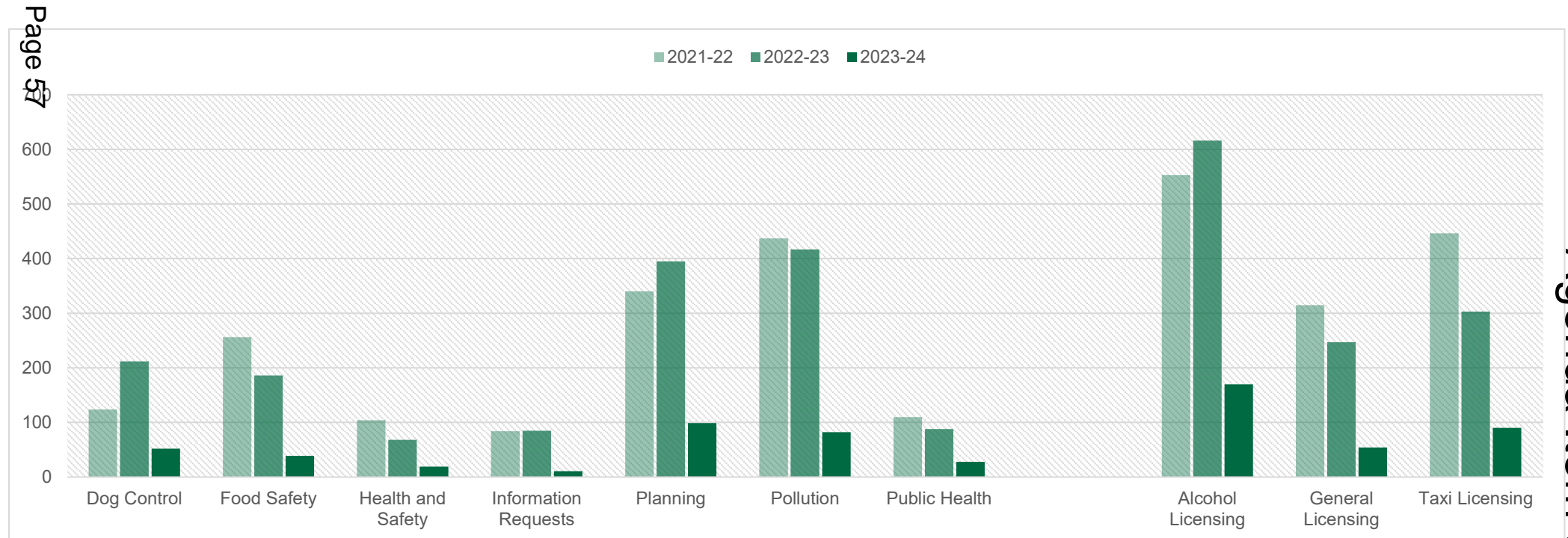
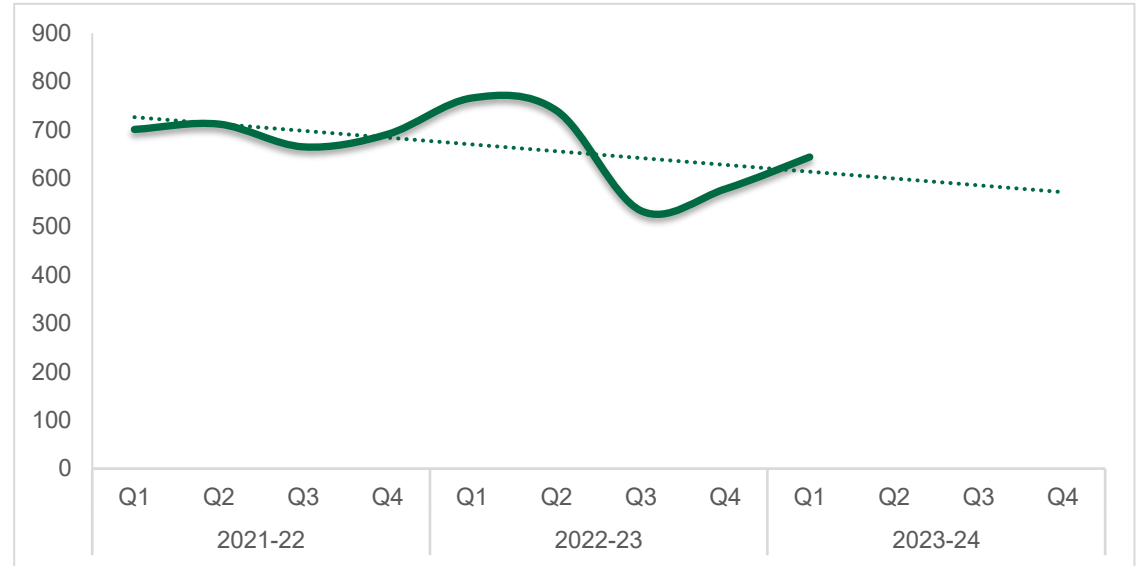
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Wyre Forest

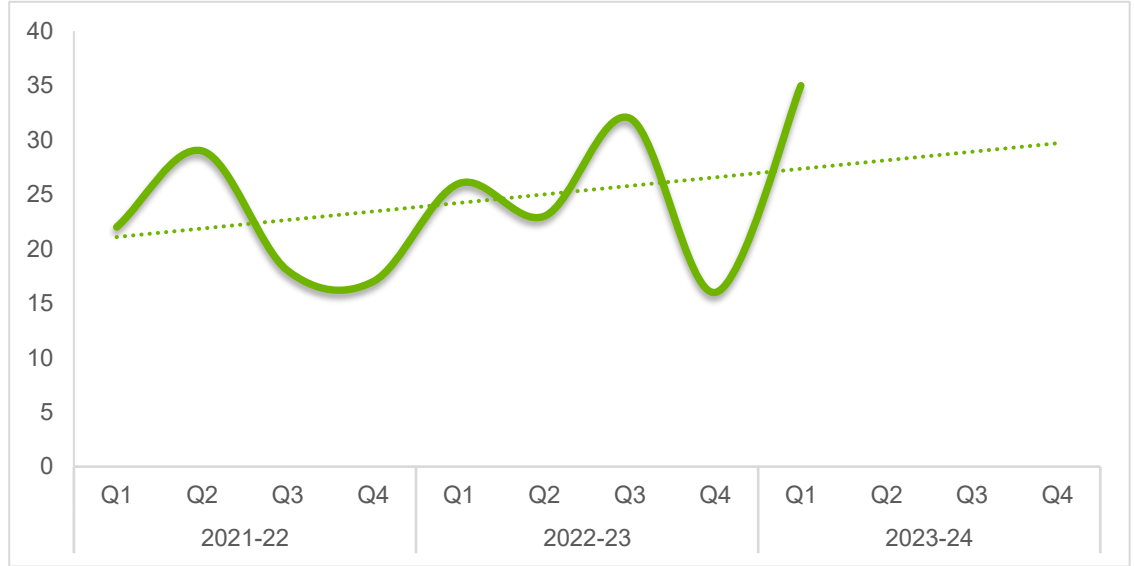
The data on this page relates to Environmental Health and Licensing cases (complaints, enquiries, applications and notifications) where the subject and/or enquirer were located within the Wyre Forest district.

Note: The chart (below) shows the number of cases recorded against each of the main functions undertaken by WRS. The figures for the current year are cumulative and will continue to increase until the end of year report is published.



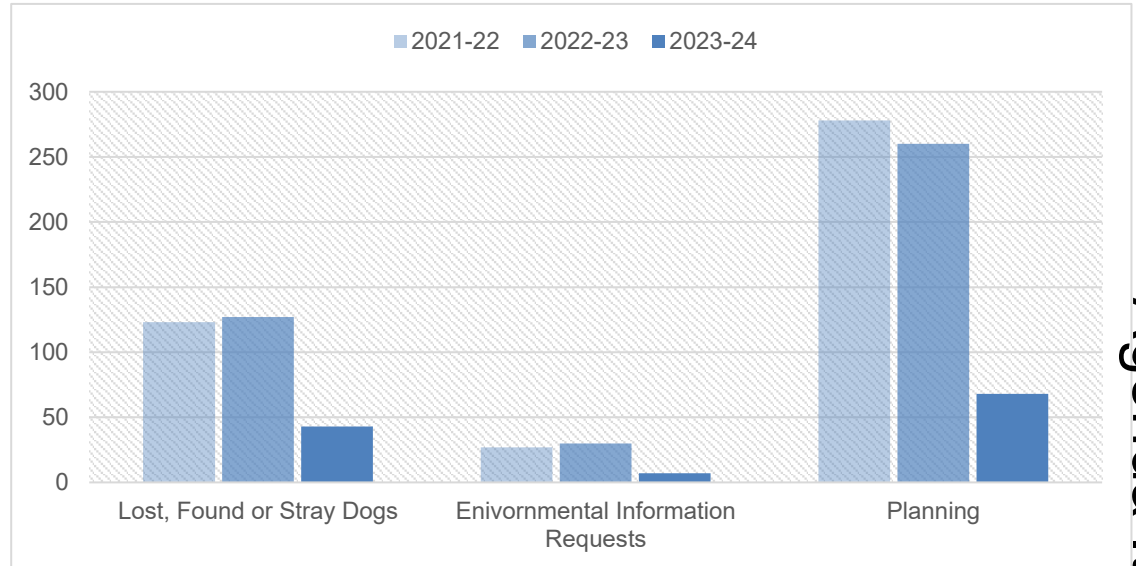
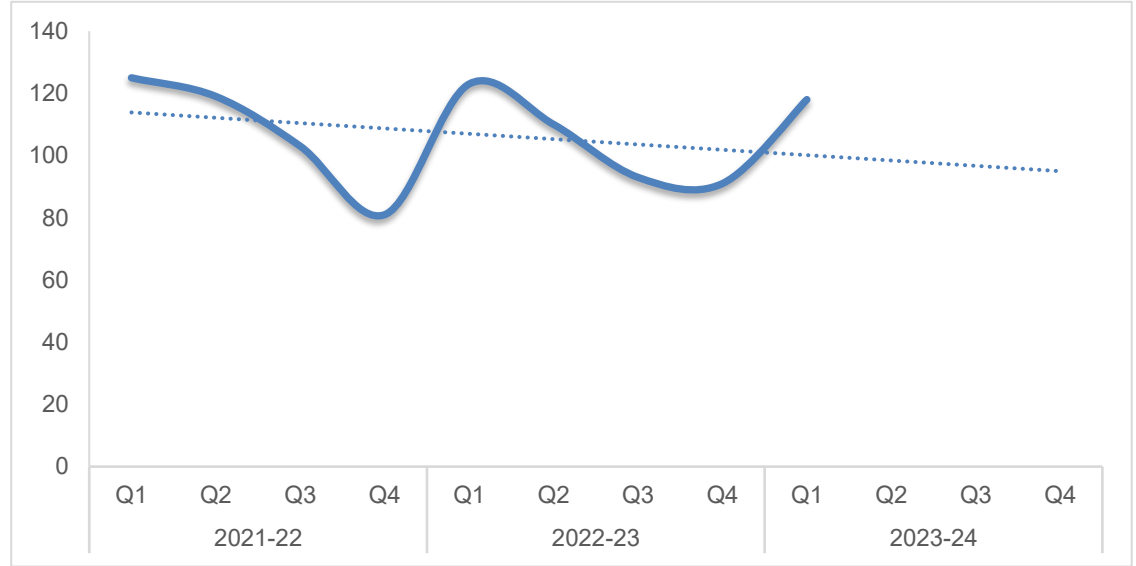
Cheltenham

The dog control work undertaken for Cheltenham Borough Council is part of a contract with two other Gloucestershire authorities to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was recently renewed and has been highly successful in reducing stray dog numbers for Cheltenham Borough Council as well as utilising existing WRS resource and expertise. Having said that, post-pandemic stray dog numbers have been increasing year on year following the issues widely reported about dog socialisation and anxiety since as well as the current cost of living crisis.



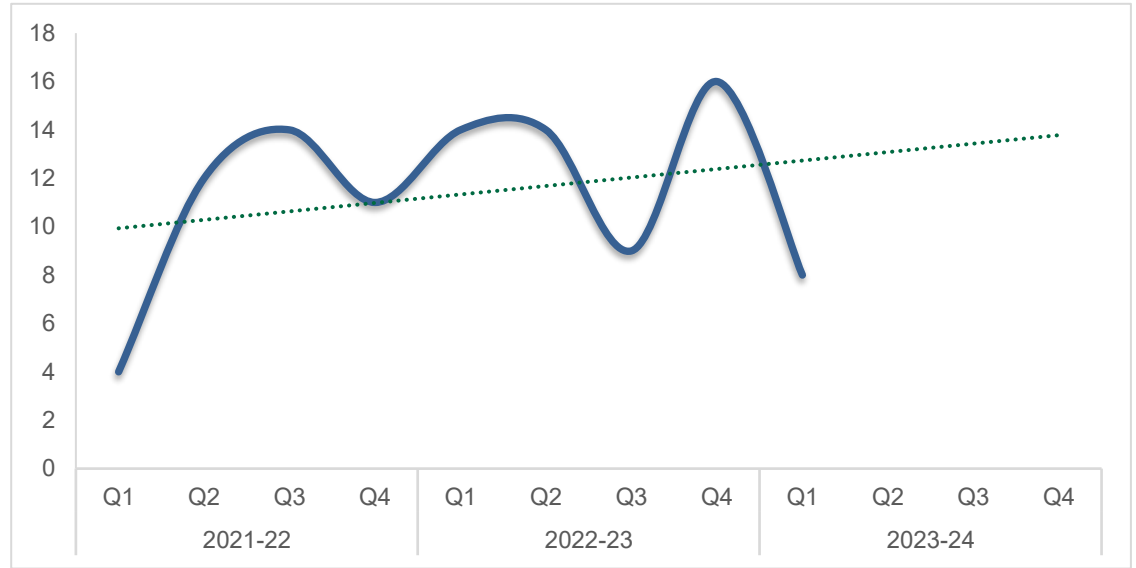
The dog control work undertaken for Gloucester City Council is part of a contract with two other Gloucestershire authorities to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was recently renewed and has been highly successful in reducing stray dog numbers for Gloucester City Council as well as utilising existing WRS resource and expertise. Such arrangements enable economies of scale to be realised and the continued retention of valuable assets to the benefit of Partner Authorities. The numbers of stray dogs are reducing annually, however, this is being closely monitored as the numbers are plateauing and there have been recent increases in the number of abandoned strays in other areas due to the cost of living crisis and post-COVID behaviour changes.

In addition to dog control activity, the service continues to deal with environmental information requests and planning enquiries.



South Gloucestershire

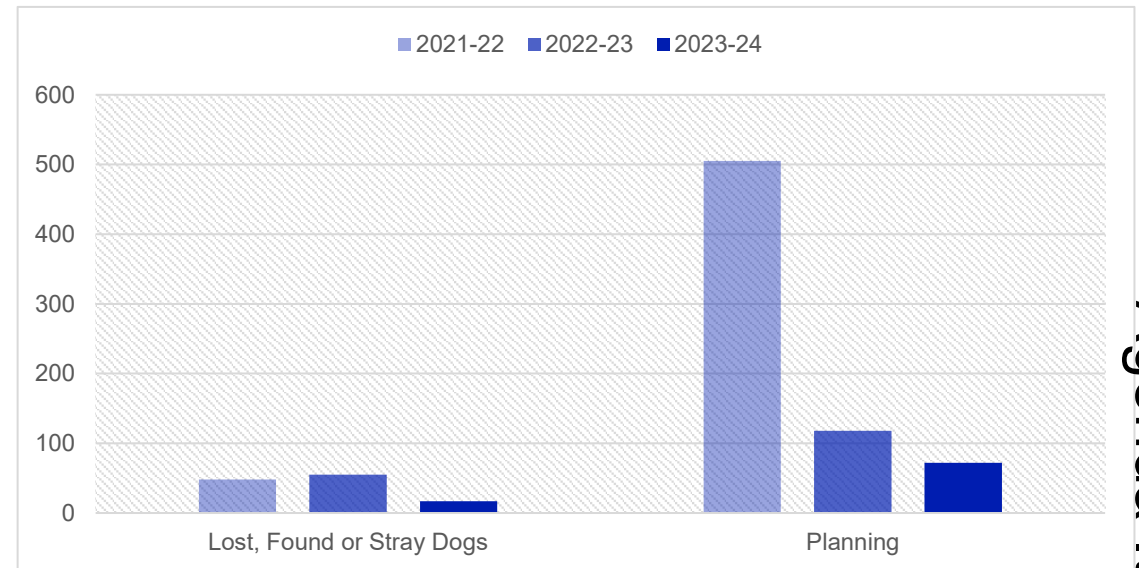
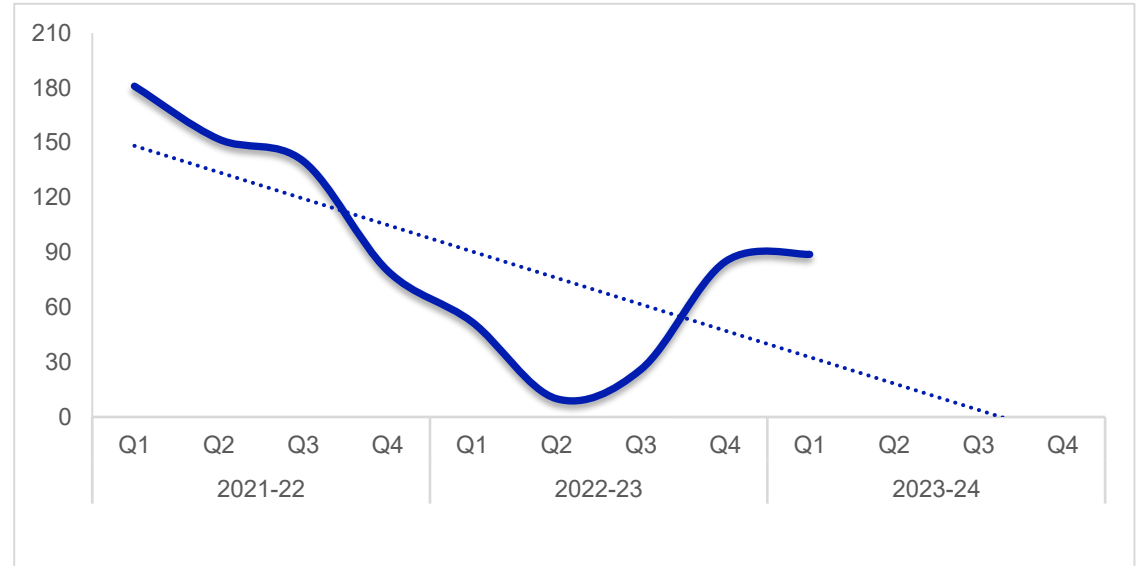
South Gloucestershire, being located on the outskirts of Bristol, was subject to significant contaminative industries and activities historically. Pressures on brownfield development recently have presented the authority with a large volume of planning applications on significantly contaminated and complex sites. For a number of years now WRS has been asked to assist with this work focusing on the complex sites, so whilst numbers of referrals remain low, when presented they tend to be time consuming and complex. Work demand is dependant on resource availability at South Gloucestershire Council and, as a consequence, WRS is retained to undertake repeat work for them when this becomes an issue.



Tewkesbury

The dog control work undertaken for Tewkesbury Borough Council is part of a contract with two other Gloucestershire authorities to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was recently renewed and has been highly successful in reducing stray dog numbers for Tewkesbury Borough Council as well as utilising existing WRS resource and expertise. Such arrangements enable economies of scale to be realised and the continued retention of valuable assets to the benefit of Partner Authorities. As with other Gloucestershire and Worcestershire authorities, the numbers of stray dogs are reducing annually, however, this is being closely monitored as there have been recent increases in the number of abandoned strays in other areas due to the cost of living crisis and post-COVID behaviour changes.

In addition to dog control activity, the service continues to deal with planning enquiries and has recently been providing Private Water supplies sampling and managerial support to the Environmental Protection team at Tewkesbury.



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WRS Board

Date: 5th October 2023

Progress Report on the Automation Project

Recommendation	Members are asked to note the report.
Background	<p>At the first meeting of 2022/23, members 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 our IDOX Uniform back-office system.</p> <p>Officers agreed to provide a short progress report at each Board meeting between then and the actual implementation of the project.</p>
Report	<p>Governance</p> <p>At the last meeting in June, members requested additional assurances around the governance of the project to ensure the correct controls were in place. Officers continue to use the Bromsgrove Project Framework as a mechanism for Project Governance and Management but have introduced an extra level of scrutiny for sign off. Officers have liaised with the councils' shared Audit service and agreed that the Head of Regulatory Services, Director of Finance and Wyre Forest District Council's ICT Manager will be responsible for sign off prior to any project go live milestones that are executed. Officers hope that this provides members with the assurance that these officers will be evaluating the situation independently and objectively, making any decision proportionate to the project.</p> <p>In addition to this, colleagues from audit will be auditing the financial elements of the project throughout to ensure that all safeguards are in place to mitigate any risks of monies being moved to wrong place or account.</p> <p>Progress</p> <p>Testing and evaluation of forms continues. The project remains in the first testing phase whilst we await the merchant ID number to enable on-line card payments, so progress to Stage 2 testing can commence. Stage 1 testing has involved internal testing with different teams within</p>

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WRS, using officers from across the service. This has been beneficial to ensure the look and feel of the forms are easy to use, understand and that users will be able to navigate their way around the form without needing too much assistance. Alongside testing, officers have been putting together FAQ's that will assist future users to complete the on-line forms without having to contact an officer in the first instance. When the project progresses into the second stage of testing, we will look to check these FAQ's with external stakeholders and potential applicants.

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

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

Contact Point

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Licensing and Support Services Manager
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Tel: 01562 738067

Worcestershire Regulatory Services

Supporting and protecting you

WRS Board: 5th October 2023

Title: Enforcement Policy 2023

Recommendations

- (i) Members agree the continued use of this policy to support decision making within WRS.

Background

In 2011, the then Joint Committee 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 Service made minor amendments to the policy and asked members of the committee to ratify the policy and recommend adoption by the six councils.

It is important that members are reminded of how decision making on enforcement takes place and that they approve the processes that we follow when dealing with such serious matters. Virtually all the legislation the service deals with has criminal sanction as its ultimate endpoint, and members need to be happy that the processes being followed will apply such sanctions in the right circumstances.

Report

Local authorities have been encouraged to produce Enforcement Policies for many years so that those sectors they regulate know and understand 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, and maintained by what is now the Office for Product Safety and Standards, part of the Department for Business and Trade (DBaT.) The concordat and the code provided businesses with a clear framework within which regulation would take place and provided this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

The original Regulators Compliance Code was replaced with the Regulator's Code. The core of the new Code changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up. Whilst this has not changed since the last review, the Head of Service feels that reviewing this policy every three to five years and bringing it back

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to members, ensures that they are aware of the processes that the service follows during regulatory decision making and that this will give them reassurance that the service is taking a fair and equitable approach when dealing with offending. This is particularly important when significant numbers of new members join the Board and is probably even more relevant given the number of members across the partners who are new to local government.

Before putting a case before the Courts, local authorities also need to have regard to the Code for Crown Prosecutors, which lays down the very basic provisions in its two tests of evidential sufficiency and public interest before a case can be considered a sound candidate to be taken to Court.

Whilst WRS officers prepare the case file and evidence, with Team Managers or the Head of Service make recommendations on action, the delegation in relation to the instigation of legal proceedings means that the final decision on whether a matter goes to court sits with the relevant Head of Legal Services and their delegated officers. This separation mirrors what occurs between the Police and Crown Prosecution Service and ensures the local authority complies with the separation of investigatory and prosecuting roles envisaged in the Criminal Procedure and Investigations Act 1996.

The attached policy meets 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 can continue to operate in a consistent way across the county.

Improved consistency is something that businesses crave, so there is a level playing field for all of those in competition. Businesses have complained on occasion about the alleged inconsistencies in enforcement between local authorities, although the LGA has always challenged this and the responses containing real evidence have been limited. By adopting a common approach to enforcing the functions discharged by WRS, partners will directly address these concerns of the business community and show that WRS remains a tool that local authorities can use to support their economies in a positive way.

In previous years, we have asked members to take this back to the partner authorities for adoption locally, so that it sits alongside any other enforcement policies operated by other enforcement services within the partners, however in the absence of any changes to the document, this is not necessary on this occasion.

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Contact

Background Papers

Enforcement Policy document attached as Appendix 1

Worcestershire Regulatory Services **Enforcement Policy**

1. Introduction

Worcestershire Regulatory Services (WRS,) is a shared service that is part of the six district councils in Worcestershire (Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council.) WRS delivers Environmental Health functions, including Food Safety, Health and Safety, many aspects of Pollution Control, and Licensing administration and enforcement on behalf of the six partner authorities. It reports to a Joint Board of the six authorities which means it is constitutionally part of each council.

This Enforcement Policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff. It will be applied by WRS in relation to the functions it discharges on behalf of the six local authorities, and it has been adopted by each of them. It is distinct from any general Enforcement Policies of the individual local authority partners, which apply to other regulatory functions provided by them such as planning.

The primary aim of WRS is to ensure businesses comply with the legislative framework within which they operate so that, consumers, businesses, employees, individuals, and the environment are protected, and transactions are fair and equitable. Fair, proportionate, and effective enforcement is essential to protecting the health, safety, and economic interests of all concerned, and there is a range of tools available to the Service to achieve this. Whilst in the main compliance will be achieved using advice and lower-level formal sanctions and actions, there will be a need to take people and businesses through the court process in some circumstances. These are outlined further in the policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g., section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well-being under the various Local Government Acts. WRS is obliged to comply with the Human Rights Act 1998, so will take its provisions into account when taking decisions relating to enforcement action.

2. Policy Scope

WRS is committed to providing an effective service with officers carrying out their duties in an equitable, practical, and consistent manner. To achieve this, officers and the service will have regard to the principles in the following documents:

- The Regulators Code (DBaT)

- Local Government Regulation's Home Authority Principle,
- Office for Product Safety and Standards' (OPSS) Primary Authority Principle
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

The Policy applies to actions in relation to all the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

3. General Principles

Prevention is generally better than cure and WRS's role therefore involves actively working with businesses to advise on and assist with compliance. Where the service considers that formal action is necessary, each case will be considered on its own merits. However, there are general principles that apply to the way in which each case will be approached. These are set out in this Policy.

Most cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individual members of the public, particularly those involving nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed unless the law mandates that an authority must act in certain circumstances, for example where a statutory nuisance is identified. Even then, the service will use the discretion that all local authorities have as to the timeliness of taking formal action.

Enforcement decisions will be fair, independent, and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness, or offender. Such decisions will not be affected by improper or undue pressure from any source. We will consider the views of any victim, injured party, or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens on business. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

4. Intelligence and Risk

We will ensure that our resources are targeted where they will be most effective. We will ensure that work is intelligence-led, and that risk assessment informs all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements.
- Inspection programmes.

- Advice and support programmes.
- Enforcement activity and sanctions.

We will normally use the appropriate risk assessment scheme developed either by government or recognised professional bodies to inform any inspection programme. In the absence of these, it is unlikely that routine inspection processes will inform activity. Instead, an intelligence-led approach will be taken, and interventions will be driven by the risk and threat that comes from the assessment of intelligence. Decisions on tactical actions to be taken will be influenced by, in the absence of other factors:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

Intelligence will be used to direct inspection-based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, to remove any unnecessary burdens from businesses.

5. Advice and Guidance

We will provide general information, advice, and guidance to make it easier for businesses to understand and meet their obligations in clear, concise, and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of these changes e.g., through newsletters, mailshots, or seminars.

WRS will promote self service via our website and, where possible, provide targeted and practical advice with a focus on encouraging this engagement through Primary Authority relationships. When offering advice, the service will clearly distinguish between statutory requirements and advice/ guidance, aimed at improvements above minimum legal standards. WRS recognises its advice should help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, this will not normally trigger enforcement action. Where appropriate WRS will seek to support the remedial action to prevent future problems however must reserve the right to take enforcement action in serious cases.

Where possible, the service will provide advisory services free of charge; however, WRS reserves the right to charge a reasonable fee for services beyond the most basic advice and guidance necessary to help ensure compliance. In saying this, the service would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether to charge. Charging will be in line with any guidance issued by the OPSS in relation to the Primary Authority principle.

6. Inspection and other market surveillance tactics

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WRS business activity will be driven by intelligence. Inspection and other forms of market surveillance will provide a good flow of intelligence about specific outlets but also, when aggregated, will help paint a picture of broader trends within business sectors. The service will ensure that any routine inspections and similar programmed visits to businesses only occur in accordance with a risk assessment methodology and the relevant intelligence picture. Other visits may be requested by businesses or will result from relevant intelligence so this will not apply in such circumstances.

WRS will focus its efforts on businesses where intelligence and risk assessment show there is a higher likelihood of non-compliance or those which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our proactive market surveillance activities including inspection.

Where appropriate, and where required by legislation, including the Protection of Freedoms Act, WRS officers will give a minimum of 48 hours notice prior to a routine inspection unless to do so would undermine the purpose of the visit. So, where giving notice might, for example, lead to additional work being done to hide non-compliance or offending, temporary behaviour changes or evidence being removed, no notice will be given. It should also be noted, however, that there is a general requirement in some Codes of Practice e.g., Food Standards Agency Food Law Code of Practice, that notice is not provided prior to a routine inspection. Where this is the case, notice will not be given unless it is necessary to achieve the service's ends, for example, if the presence of a particular manager is essential at a manufacturing facility.

When officers visit or carry out inspections, they will give feedback to businesses to encourage and reinforce good practice. They will also share information about good practice amongst businesses, and with other regulators. Where serious non-compliances are identified during an inspection that requires some formal action, feedback on minor issues may be delayed until the serious issues are resolved.

Where WRS and another regulator have a shared interest in a business, officers will seek to work together with relevant colleagues to ensure that activities can be rationalised to minimise the burden on the business, where such action is of benefit to the business and does not harm the standard of enforcement for either regulator. The service will also take account of the circumstances of smaller businesses, including any difficulties they may have in achieving compliance unless the non-compliance in question creates a serious risk.

7. Information Requirements

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g., food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

8.0 Enforcement Action

In accordance with good practice, we will:

- Publish our Enforcement Policy,
- Report on our enforcement activities year on year to interested parties through an Annual Report,
- Follow-up enforcement actions where appropriate,
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender,
- Eliminate any financial gain or benefit from non-compliance,
- Address the harm caused by regulatory non-compliance, where appropriate,
- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.) Where a prosecution may be an option, the offender is likely to be offered an interview under the provisions of the Police and Criminal Evidence Act 1984, which will give an opportunity for the alleged offender to give their side of the story.

Where the outcome is a decision to send a file to the relevant legal service for them to consider prosecution, this will be reported to the potential defendants. For lesser disposals, an explanation of the need for the action will be provided as soon as is reasonably practicable after the intervention.

8.1 Deciding what enforcement action is appropriate

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure or offence.
- The business's past performance and its current practice.

- The risks being controlled.
- Legal, official or professional guidance.

There are many potential enforcement options in some legislative areas. The level of action taken will vary from no action/ verbal advice & assistance through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action/ verbal advice & assistance.
- Informal Action and Written Advice.
- Fixed Penalty Notices.
- Penalty Charge Notices.
- Statutory Notice.
- Formal closure
- Seizure of goods/equipment.
- Injunctive Actions.
- Refusal/revocation of a licence.
- Simple Caution.
- Prosecution.

8.2 No Action/ Verbal Advice or assistance

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance. Domestic nuisance issues may be best resolved by the neighbours entering dialogue without the direct intervention of officers. Where this is not appropriate, due to the behaviour of one party or where the complainant is from a vulnerable group, the service will consider the best option for intervention depending on the circumstances.

8.3 Informal Action and Written Advice

For minor breaches of the law, we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable and take into account the seriousness of the contravention and the implications of the non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in further enforcement action.

Wherever possible we will advise alleged offenders about 'good practice', but we will clearly distinguish between what they must do to comply with the law and what is recommended best practice.

8.4 Statutory Notices

Officers of the Service have the power under various pieces of legislation, or through delegation, to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,

- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) the service may commission the carrying out of any necessary works to satisfy the requirements of the notice. Where the law allows, the partner council may then charge the person/business served with the notice for any costs WRS incurs in carrying out the work.

In certain limited circumstances i.e., under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

8.5 Fixed Penalty Notices

A few offences prescribed by legislation relevant to WRS are subject to fixed penalty notices. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. They will only be used in appropriate circumstances to give a fast and measured response to a situation. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

8.6 Penalty Charge Notices

Penalty Charge Notices (PCNs) are prescribed by limited amounts of legislation relevant to WRS, as a method of enforcement by which the offender pays an amount of money in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

8.7 Institution of Legal Proceedings

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Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide the most appropriate course of action using amongst other things, the criteria identified below.

Where the law has been broken, there is a range of enforcement options available and, under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. This approach would not be appropriate where there is a serious risk to public safety or the health of the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment or potential detriment caused by the activity. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether to pass the file to the relevant legal officer for their review and the formal consideration of whether to authorise the institution of legal proceedings.

Before doing this, the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each offence identified. They must have concluded that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged based on the evidence before them. To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly, and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

Factors in Favour of Prosecution

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully, or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm, or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in itself, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

Factors which would mitigate against the need for a prosecution

- The offence was minor in nature and because of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is vulnerable, for example through age-related issues, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was because of a single incident, particularly if it was caused by a failure of judgment.
- The offender put right the loss or harm caused prior to the intervention of the Service.
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
- The defendant was a youth at the time of the offence.
- There has been a long delay between the offence and any potential court action, unless either:
 - (i) The offence is serious,
 - (ii) The delay has been caused by the defendant or his/ her legal representatives,
 - (iii) The offence has only recently come to light, or
 - (iv) The complexity of the offence meant that there has been a long investigation.

8.8 Proceeds of Crime Applications

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets, or a POCA investigation may run alongside an investigation into breaches. These are likely to be the most serious cases, where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. WRS will look to use these provisions in an appropriate manner.

8.9 The use of Simple Cautions

Where the public interest justifies it, the senior officer reviewing a case will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is below the age of 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

8.10 Injunctions

Injunctive action is a civil law process that may be used to ensure that person or business desists from a particular pattern of behaviour or action. Whilst these are not the norm in dealing with regulatory matters, seeking an injunction may be the most appropriate method of disposal for an issue. A decision to seek an injunction would be taken by the legal officer for the relevant partner council and is most likely to be relevant where the normal legal processes such as the issuing of notices and prosecution have not led to resolution of a problem. WRS officers will work with the relevant partner legal team to develop such cases and support them being taken through the Court process.

8.11 Other Orders available

There are a range of orders available in law under various provisions that can be used to tackle what is widely described as “anti-social behaviour.” Where these provisions offer a suitable way of dealing with an issue, the service has sufficient resource to deal with the matter and has delegated authority from the relevant partner, the service will take them forward with the support of the relevant partner legal service. The service may refer such matters back to the relevant partner where there is another enforcement team better placed to deal with the issue.

8.12 Refusal, Suspension and Revocation of Licence/ Permit

Where there is a requirement for a business to be licensed or permitted by the local authority, the licence/ permit may be granted under delegated authority unless representations or objections are received against the application. In most such cases, a Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

Some Licensing or permitting regimes are based on specialist knowledge and have detailed guidance that would make decision making by a lay-person difficult. In such circumstances officers may have delegated authority to refuse, suspend or revoke such licenses. Where this occurs, the applicant/ licensee will be told why and provided with details of any available appeal process.

In most circumstances, a licence/ permit may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. In most cases, these matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken unless it is one of the matters mentioned above where officers can make a decision under delegated authority. In relation to the more specialised regimes where officers have full delegated responsibility for decision making, explanations of why further conditions/ suspension or revocation are necessary will be provided to the license/ permit holder along with any routes of appeal that are available.

9.0 Additional Information

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services and will not instigate any legal proceedings without their authority.

9.1 Standards and Accountability

Where relevant WRS will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties. We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

9.2 Liaison with other regulatory bodies and enforcement agencies

Where appropriate, enforcement activities within Worcestershire Regulatory Services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with colleagues within the partner authorities, other regulatory bodies and enforcement agencies, and examples include:

- Government Departments and Agencies
- Police Forces and Fire Authorities
- Other Statutory Bodies
- Other Local Authorities

9.3 Further Information

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services
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Finepoint Way,
Kidderminster,
Worcestershire
DY11 7WF
Or by e-mail to:
enquiries@worcsregservices.gov.uk

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