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Worcestershire Regulatory Services Board

26th September 2024

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY 26TH SEPTEMBER 2024, AT 4.30 P.M.

PRESENT: Councillors H. J. Jones (Chairman), K. Taylor, D. Harrison, C. Palmer, M. Stringfellow, K. Holmes, J. Desayrah (substituting for Councillor A. Scott), R. Deller, M. Goodge and T. Onslow

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

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

12/24

ELECTION OF VICE-CHAIRMAN

It was noted that due to a change in the Board's membership for Wyre Forest District Council, with Councillor I. Hardiman, replacing Councillor C. Rogers, Vice-Chairman of the Board; nominations were therefore required for a new Vice-Chairman.

RESOLVED that Councillor T. Onslow, Wyre Forest District Council be elected Vice-Chairman of the Board for the remainder of the municipal year.

13/24

APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillor I. Hardiman, Wyre Forest District Council and Councillor A. Scott, Worcester City Council; with Councillor J. Desayrah in attendance as the substitute Member for Councillor A. Scott.

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DECLARATIONS OF INTEREST

There were no Declarations of Interest.

15/24

MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 27th June 2024, were submitted.

Councillor J. Desayrah speaking on behalf of Councillor A. Scott, who was in attendance at the meeting, had asked for the following

amendment, to the last paragraph of Minute No. 9/24, to be considered by Members, as follows: -

“The Principal Environmental Health Officer, WRS was asked about the impacts of wood burning stoves and said that early research into wood burning stoves and fine particulate matter was not yet conclusive about the impacts, however, the World Health Organisation (WHO) did not recognise a safe level of fine particulate matter. Whilst traffic sources of particular matter (tyre and brake wear) were difficult to tackle, given wood burning stoves were perhaps, often but not always, more of an aesthetic addition to most homes rather than a primary source of heating, they were one of the sources of pollutants that people could do something about for themselves. The Principal Environmental Health Officer, WRS finished by saying that officers were in discussion with academic colleagues, about working with them to look at the impact of wood burners on air quality which would also need input from other professionals in due course, and that this may include work on the impacts on air quality inside the home”.

Councillor A. Scott would also like it noted that he had on-going concerns about the impact of wood burning on health and the quality of the environment for the wider society.

Following a brief discussion whereby Councillor K. Taylor, Bromsgrove District Council, questioned the amendment which stated, “more of an aesthetic addition to most homes rather than a primary source of heating.” Questioned was this not in the officers ‘opinion;’ as occasionally some houses / boats relied on wood burners as a primary source of heating, rather than it being an ‘aesthetic addition.’

With this in mind, Members agreed with the following amendment: -

“The Principal Environmental Health Officer, WRS was asked about the impacts of wood burning stoves and said that early research into wood burning stoves and fine particulate matter was not yet conclusive about the impacts, however, the World Health Organisation (WHO) did not recognise a safe level of fine particulate matter. Whilst traffic sources of particular matter (tyre and brake wear) were difficult to tackle, given wood burning stoves were perhaps, often but not always, in the officer’s opinion, more of an aesthetic addition to most homes rather than a primary source of heating, they were one of the sources of pollutants that people could do something about for themselves. The Principal Environmental Health Officer, WRS finished by saying that officers were in discussion with academic colleagues, about working with them to look at the impact of wood burners on air quality which would also need input from other professionals in due course, and that this may include work on the impacts on air quality inside the home”.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board meeting held on 27th June 2024, be amended as detailed in the preamble above, and approved as a correct record.

16/24

WRS REVENUE MONITORING APRIL - JUNE 2024

The Deputy Chief Executive and Director of Resources Finance, Bromsgrove District Council (BDC) and Redditch Borough Council (RBC), introduced the report and in doing so drew Members' attention to the Recommendations as detailed on pages 21 and 22 of the main agenda pack. The report covered the period April to June 2024.

Members were informed that the detailed revenue monitoring report, as attached at Appendix 1 to the report; showed a projected outturn 2024/25 of £6k surplus; and was based on the following assumptions: -

- A 3% pay award had been added to the projected outturn figures, as per the original budget, this equated to 82% of the total expenditure. Officers were still awaiting a final agreement for the 2024-25 pay award. Should there be a pay award of 5% this would create extra expenditure.
- If April to June 24 spend on pest control continued on the same trend for the rest of year, there would be no overspend to be charged to partners on this service. WRS officers would continue to monitor and analyse this spend and advise of any changes in the projected outturn figure at Quarter 2.
- The following were the actual bereavements costs April – June 24 to be funded by partners. These costs were charged on an as and when basis. Due to the nature of the charge, it was not possible to project a final outturn figure:

Bromsgrove District Council	£1k
Redditch Borough Council	£5k

Other items for Members to note were: -

- £48k variance as detailed on Appendix 1.
- £282k of additional income as detailed on Appendix 2, which would fall to £249k at the year end.

RESOLVED that the Board

- 1.1 Note the final financial position for the period April – June 2024
- 1.2 That partner councils be informed of their liabilities for Apr – June 24 in relation to Bereavements

Council	Apr–June Actual Bereavements £000	24 for
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Bromsgrove District Council	1
Redditch Borough Council	5
Total	6

1.3 That partner councils be informed of their liabilities for 2024-25 in relation to three additional Technical Officers

Council	Estimated Projected Outturn 2024/25 Tech Officer Animal Activity £000	Estimated Projected Outturn 2024/25 Gull Control £000
Redditch Borough Council	2	
Malvern Hills District Council	7	
Worcester City Council	3	16
Bromsgrove District Council	9	
Wychavon District Council	15	
Wyre Forest District Council	9	
Total	45	16

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ACTIVITY AND PERFORMANCE DATA - QUARTER 1 2024/25

The Technical Services Manager, Worcestershire Regulatory Services (WRS) presented the Activity and Performance Data for Quarter 1 2024/25. The detail of the report focused on the first quarter of 2024/25, but the actual data allowed comparison with previous quarters and previous years.

The following key points were highlighted: -

Activity Data

The overall number of food related cases received between 1st April 2024 and 30th June 2024 was 20% lower than the same period in 2022/23 but 14% higher than 2023/24. Of the 112 complaints handled

during the year to date, 70% were related to issues with food products (such as poor-quality food or food containing a foreign object).

Of the 366 programmed interventions undertaken during the year to date, only 2% had resulted in a business being rated as "non-compliant".

The overall number of Health and Safety cases received between 1st April 2024 and 30th June 2024 was 15% lower than the same period in 2022/23 but 19% higher than in 2023/24. Just over 40% of cases had been reports of accidents (slips, trips and falls) in workplaces.

The overall number of dog-related cases received between 1st April 2024 and 30th June 2024 saw a reduction of 2% compared to 2022/23 but a reduction of 22% compared to 2023/24.

In Licensing, the overall number of cases received between 1st April 2024 and 30th June 2024 was close to the level in 2022/23, but 11% higher than 2023/24.

Pollution cases followed their usual trend with increasing numbers as we moved from Spring into Summer. However, in terms of numbers, cases received between 1st April 2024 and 30th June 2024 were 29% lower than the same period in 2022/23 and 23% lower than in 2023/24. This was almost certainly down to the poor weather during the Spring and early part of the summer this year.

Just under 90% of cases were allegations of potential statutory nuisances, with most relating to noise from domestic properties (such as noise from barking dogs or noise from loud music).

Performance

As always, reporting against the suite of indicators was more limited for the first quarter.

The non-business customer measure at 60% was lower compared with 69.3% at the same time last year and around the same as the 60.4% at year-end for 2023/24.

Satisfaction for business customers remained good at 98.3%, above this figure at the same point last year and above the outrun at the end of quarter 4. Compliments outnumber complaints significantly, with the figure currently 15 to 5. There was a lot of ongoing work by officers in keeping customers informed of any outcomes.

Staff sickness was at 1.13 days per FTE, slightly above the previous 3-year's figures for this period (0.76, 0.9, 0.87 respectively) and above the 0.85 days per FTE from the same period in 2019, pre-pandemic.

In response to Councillor D. Harrison, Malvern Hills District Council, the Environmental Health & Trading Standards Manager explained that with regards to food complaints; food containing a foreign object could be,

insects, poor food hygiene, metallic objects or chemical contamination. The Environmental Health & Trading Standards Manager agreed to provide further detailed information to Councillor D. Harrison.

RESOLVED that the Activity and Performance Data Quarter 1 2024/25, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

18/24

OPERATION LISBON 2 : DOG BREEDING

The Director, Worcestershire Regulatory Services (WRS) introduced an information report on Operation Lisbon 2: Dog Breeding.

Members were informed that the report helped demonstrate how the service's small Intelligence Unit supported the broader delivery of the service.

During November 2020, WRS initiated an intelligence gathering operation code-named "Lisbon" (Lisbon 1). The primary purpose of the operation was to assess the people, businesses, and locations associated with unlicensed dog breeding and put in place strategies and/or interventions to reduce the level of offending. Whilst the operation had positive outcomes, several factors limited its effectiveness.

Firstly, as the operation was conducted during the COVID-19 pandemic, it could not be stated with certainty whether the information collected during the initial stages of the operation was indicative of the "normal" trading environment. It was likely, for example, that information had been captured about certain nominals who had chosen to breed dogs whilst furloughed but did not continue this activity (at a licensable level) once restrictions were lifted. Secondly, the prominence of general selling platforms as opposed to those dedicated to dogs or pets was underestimated or had significantly changed by the time the operation had concluded. These platforms were not included in the scope of the operation, so it was also likely that several nominals operating illegally were undetected.

After Operation Lisbon had concluded, the service continued to receive complaints from members of the public about unlicensed dog breeders. As a result of those complaints, Operation Lisbon 2 was launched during November 2023 with a view to assessing the scale of offending in a post pandemic environment.

Fortunately, WRS and Shropshire Council both had an interest in this area and opted to share intelligence resources and to work together, allowing the scope of the operation to broaden covering both counties and encompassing additional sales platforms, including some generalist ones.

Key Legislation and Considerations

The Animal Welfare (Licensing of Activity Involving Animals) (England) Regulations 2018 was the primary legislation covering the breeding of dogs. It placed a requirement on individuals or businesses to obtain a licence if they were “breeding three or more litters of puppies in any twelve-month period” and/or are “breeding dogs and advertising a business of selling dogs.” The failure to obtain a licence was a criminal offence under Section 13 of the Animal Welfare Act 2006.

When acquiring information from online platforms, care had to be taken to only request information that could be obtained under the Data Protection Act 2018. A policy change by the Home Office in 2023 meant that certain personal information (mandatory registration data) linked to online accounts must be treated as communications data and could only be obtained as regulated by the provisions of the Investigatory Powers Act 2016. Despite this, several platforms did disclose such data which, whilst useable for intelligence purposes, became subject to permission from the local authority’s Senior Responsible Officer before it could form part of the investigative process.

Whilst proactive monitoring data was assessed prior to account information being requested, the limitations of certain platforms meant it could not always be established whether certain accounts were operating at a level where a licence was likely to be required. As a result, information pertaining to these accounts was not requested and their account information was not available for analysis during the latter stages of the operation.

The requirement for someone to be “in the business of selling animals,” did mean that the local authority must be able to prove beyond a reasonable doubt that this was a business-related activity. There was no specific case law relating to this under the 2018 Act, however, the Trade Descriptions Act 1968 similarly required proof of trade or business so this case law has a role in informing thinking. Even under this legislation, the possibility existed for a person to have a “lucrative hobby,” so the business test may not necessarily be as black and white as it first appeared.

Results

Some 1,069 unique adverts were identified across Worcestershire over the five-month period of the operation. A significant proportion of those adverts were posted legally by licensed breeders (approximately 10%) or by private sellers who did not meet the threshold for a licence.

When adverts were reviewed, only 17% related to dogs categorised by the Kennel Club and others as being large breeds, demonstrating as officers expected, that they only make up a modest proportion of the market.

The most common breeds advertised across the two counties were Cockapoos, Cocker Spaniels, Labrador Retrievers, and Dachshunds. The total value of the adverts listed was more than £7 million (£4.2

million for Worcestershire and £2.8 million for Shropshire). Although there was likely to be some double counting of adverts as a few sellers would advertise on more than one platform. This figure was still much higher than officers involved in the project would have suggested before undertaking the operation. It showed that, although dog prices had fallen since the pandemic, there were still large numbers of animals being supplied commercially or otherwise.

The most prominent locations mentioned in adverts were Worcester and larger towns such as Kidderminster, Stourport-on-Severn, and Evesham. Whilst an advert might state the location as "Worcester," however, enquiries established that this designation also included sellers residing outside of the City Council boundary in the nearby villages under Wychavon's or Malvern Hills' jurisdiction.

Some 37 accounts were identified that were likely to have been trading without a licence. Further enquires led to some of these being linked to single individuals or, in some cases, small groups of people. Therefore, relationship charts were created to show the connections between different entities (people, online accounts, telephone numbers, email addresses) and a package of information was shared with senior officers in the Licensing team with recommendations for action.

The team had written warning letters and had offered guidance to 10 sellers identified during Operation Lisbon 2. Whilst 6 accounts were still being developed further by the Intelligence Unit as the operators were sharing contact details and advert locations. A total of 5 sellers, 2 of whom had previously been identified as part of Operation Lisbon 1, were now under formal investigation with a view to submitting reports to the various partner's legal departments.

Conclusions

The two Lisbon operations had revealed that a significant market in the selling of dogs across Worcestershire existed and, whilst a proportion of this was not commercial or done under license, a proportion of this activity was unlicensed and illegal. It also showed that detecting illegal activity was not completely straight-forward and required resource to be dedicated to the activity. By utilising our Intelligence Unit to do much of the initial case building, Licensing Officers were freed from the burden of logging and recording in these initial stages and received a completed package which had much of the evidence they would need to go forward with obtaining statements and interviewing potential defendants under PACE.

It was clear that these operations were best done at scale. Focus on a single district would likely be impossible due to the nature of descriptions in adverts. Working with Shropshire colleagues was positive, as one of the groups identified was engaging in cross border activity. Officers would look to promote the Operation Lisbon model to other licensing colleagues and the use of the Intelligence Operating Model as a tool for enforcement.

Officers were looking to commence Operation Lisbon 3 within 12/18 months and would look to work with Shropshire Council should they wish to do so.

In response to questions from Members, the Director, WRS, explained that introducing a requirement for dog owners to have a licence would be expensive and could be seen as discriminatory due to the potential cost.

Operation Lisbon 2 had highlighted that intelligence officers could pick the right people up by using / accessing various sites whereby people were advertising more than one dog for sale, officers would use monitoring of such sites, the marketing of dogs, and the relationship charts created instead of the requirement for a dog licence. This could also create further legislation that people would not always adhere to.

Sites were predominantly advertising popular breeds of pet dogs, not racing dogs such as lurchers or greyhounds.

With regard to the total value of the adverts listed £7 million, as detailed on page 67 of the main agenda pack, the Director, WRS was unsure of the profit return on that figure.

The onus was on dog owners to microchip their dogs and to ensure that they kept the required information up to date. Any loose / unsupervised dogs in the park could have their microchips checked by the Police, WRS dog wardens and veterinarians. WRS had recently secured funding from the two Community Safety Partnerships to roll out a project as part of its priority work on dog control to raise awareness on various dog-related matters including microchipping, to support tackling stray dogs and, if necessary, increase enforcement.

The Licensing and Support Services Manager, WRS, responded to further questions from Members in respect of animal welfare and the licence conditions; and in doing so briefly explained the following.

A licence was required if the selling of dogs, as pets, was being carried out as a commercial business, to make a profit. All businesses issued with such a licence would receive an initial visit from a WRS Officer with responsibility for animal welfare. Businesses were expected to maintain minimum standards with a licence being issued initially in most for one year; following which they would also be visited on each renewal application. Businesses meeting the higher standards (4 or 5 star rating) would be issued with a two or three year licence. However, intelligence-led spot checks at all such businesses would also be carried out by a WRS officer with responsibility for animal welfare.

The Director, WRS concluded that part of Operation Lisbon 2 was to look at the number of individuals who were working collaboratively. As highlighted in the report, it was the local authorities and their legal

departments to prove beyond a 'reasonable doubt' that they were operating such a business-related activity and to build a picture as to how they were linked working together. The legislation was changed in 2018, and to date WRS had not prosecuted anyone.

WRS used the same process and model for creating Intelligence logs as other agencies such as the Police and HM Revenue & Customs, therefore, it was straight-forward for WRS to disseminate intelligence / information to these other agencies as it was in a format they knew and understood. This was one of the benefits of adopting an intelligence operating model for the business.

RESOLVED that the information report Operation Lisbon 2: Dog Breeding, be noted.

19/24

PROGRESS REPORT ON THE AUTOMATION PROJECT

The Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS) provided Members with an update on the Automation Project; and in doing so commented that it was nice to be able to bring positive news to the Board.

Progress on Forms

With an immense collaborative effort from all of the teams involved in this project, the Temporary Events Notice (TENs) application form went live this month and there were extra checks carried out in order to ensure that the workflow from the point of the application being submitted to the payment being taken and information landing into the IDOX back-office system correctly were processed appropriately each step of the way. This initially commenced with three partners, with the final three partner authorities going live either today (26th September 2024) or tomorrow (27th September 2024). With regards to payments received, Uniform references could now be allocated to payments when received.

The launch of the second form, the Premises Licensing Applications forms would commence shortly. As detailed on page 74 of the main agenda pack, work continued on the next set of forms and their launch, which would take place over the next few months or sooner where possible:-

1. Taxi Applications
2. Animal Licensing Applications
3. Pavement Licensing

Progress continued with the work of the 'task and finish group' set up by the Technical Services Manager, WRS.

Comms and Website Development

Officers continued to liaise with the communications leads with regards to partners websites being easy to navigate alongside the 'help'

guidance and FAQ's. After testing with external stakeholders and potential applicants, some tweaks were made where necessary.

In response to questions from Members, the Licensing and Support Services Manager explained that the Internal Audit team had been involved in setting up checking the progress of the Automation project and had agreed that the new system was 'fit for purpose'. Sign off for stages was in-hand.

In response to further questions from Members with regards to the forms being accessible for customers with disabilities and if the forms could be read by a screen reader or other assistive technology; the Licensing and Support Services Manager explained that lots of testing had taken place to ensure that all forms were accessible. Training would take place for officers at Worcester City, Redditch Borough, and Bromsgrove District Councils. However, with regards to the forms being read via a screen reader or other assistive technology; this was something they would have to look into and report back to Board Members.

RESOLVED that the Progress Report on the Automation Project be noted.

20/24

URGENT BUSINESS

There was no Urgent Business on this occasion.

The meeting closed at 5.26 p.m.

Chairman

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