WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY 5TH OCTOBER 2017 AT 4.30 P.M.

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

MEMBERS:
Bromsgrove District Council: Councillor R. J. Laight
Bromsgrove District Council: Councillor P. J. Whittaker
Malvern Hills District Council: Councillor B. Behan
Malvern Hills District Council: Councillor H. Campbell
Redditch Borough Council: Councillor J. Baker (Vice-Chairman)
Redditch Borough Council: Councillor B. Clayton
Worcester City Council: Councillor J. Squires
Worcester City Council: Councillor A. Feeney
Wychavon District Council: Councillor E. Stokes (Chairman)
Wychavon District Council: Councillor M. King
Wyre Forest District Council: Councillor J. Hart
Wyre Forest District Council: Councillor J. Smith

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 22nd June 2017. (Pages 1 - 6)

4. WRS Budget Monitoring April to June 2017 (Pages 7 - 16)

5. Activity and Performance Data - Quarter 1 (Pages 17 - 48)

6. Air Quality Update 2017 - Information Report (Pages 49 - 52)

7. Food Standards Agency Audit 2017 (Pages 53 - 56)

8. Primary Authority Review - Verbal Update

9. 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.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

27th September 2017

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 22ND JUNE 2017, AT 5:00 P.M.

PRESENT: Councillors R. J. Laight, B. Behan, J. Baker, B. Clayton, J. Squires, A. Feeney, E. Stokes, M. King and J. Hart

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

Officers: Mr. S. Wilkes, Ms. C. Flanagan, Mr. P. Field, Mr M. Cox, Ms. S. Garratt, Ms. K. Lahel, Mr. D. Mellors and Mrs. P. Ross

PREVIOUS CHAIRMAN'S REPORT - THE FIRST TWELVE MONTHS OF THE OPERATION OF THE NEW PARTNERSHIP

(Note: Due to the late commencement of the meeting, Members agreed to alter the running order of the agenda).

Councillor B. Behan, Malvern Hills District Council, presented her report on the first twelve months of the operation of the newly constituted partnership.

Councillor B. Behan commented that Members might be wondering why she had submitted a Chairman's report. Partner officers of the Worcestershire Regulatory Services (WRS) Board had thought it would be appropriate that a review of the new operating arrangements be presented by the Chairman of the WRS Board, who had overseen the new operating arrangements.

The new Service Level Agreement had come into effect on 1st April 2016. It was agreed that the new operating arrangements for the partnership would be reviewed at the end of a twelve month period to ensure that the arrangement was working as envisaged.

This was not a formal review, as the shared Service Level Agreement required a formal review of the operation and effectiveness of the shared service arrangements every two years.

The report gave an overview of what the Board had covered during the first twelve months of operation under the new arrangements. Councillor B. Behan commented that she had hoped that Board Members would be

in agreement that it had been a fairly seamless transition from seven partner authorities to six.

Bromsgrove District Council as the host authority had provided the Board with timely and concise budget information so that the Board could ensure the financial probity of the operational delivery.

Councillor B. Behan gave her sincere thanks to the Head of Regulatory Services and officers for their advice and support during her role as Chairman of the Worcestershire Regulatory Services Board.

RESOLVED that Members note the report, as presented by the Chairman of the Worcestershire Regulatory Services Board for the municipal year 2016/2017.

1/17 **ELECTION OF CHAIRMAN**

A nomination for Chairman was received in respect of Councillor E. Stokes, Wychavon District Council.

RESOLVED that Councillor E. Stokes, Wychavon District Council be elected as Chairman for the ensuing municipal year.

The Chairman took the opportunity to express her sincere thanks to Councillor B. Behan, Malvern Hills District Council as the previous Chairman of the Worcestershire Regulatory Services Board, and commented that it was interesting to read her report from a Board Member perspective.

Councillor E. Stokes then welcomed Members and nominated officers to the meeting.

2/17 **ELECTION OF VICE-CHAIRMAN**

A nomination for Vice-Chairman was received in respect of Councillor J. Baker, Redditch Borough Council.

RESOLVED that Councillor J. Baker, Redditch Borough Council, be elected as Vice-Chairman for the ensuing municipal year.

3/17 **APOLOGIES**

Apologies for absence were received from Councillors H. Campbell, Malvern Hills District Council and J. Smith, Wyre Forest District Council.

Apologies for absence were also received from Ms. J. Pickering, Bromsgrove District Council and Redditch Borough Council.

4/17 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/17 **MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 16th February 2017 were submitted.

RESOLVED that the minutes of the Worcestershire Regulatory Services Board held on 16th February 2017 be approved as a correct record.

6/17 **WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT 2016/2017**

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2016 / 2017. The report covered the performance of the service for the period 1st April 2016 to 31st March 2017.

The Head of Regulatory Services, WRS, informed Members that the report detailed both Key Performance Indicators (KPIs) and highlights of activity, with a short summary activity report, as detailed at Appendix 5 to the report. Appendix 5 to the report had been reduced since the Board now received a separate Activity and Performance Data report which provided more detail.

The Annual Report also gave a summary of the financial position, key achievements and covered issues relating to human resources, risk management and equalities.

In response to Councillor B. Clayton, Redditch Borough Council, the Head of Regulatory Services, WRS, informed the Board that notices had been served on the operators at the site referred to by Councillor Clayton, in order to address the dust issues raised by those living in proximity to the development.

The WRS (3 year) Business Plan 2017/2020, as presented to the Board in February 2017, showed at this point that staffing levels were roughly around the minimum service level required for the service to discharge the partner's duties. Staff were stretched in being able to deliver against the large volumes of work faced by the service. To help support staff, WRS would continue to look at technical solutions that would support investigative processes. Investment had been made in updating and expanding the range of noise monitoring equipment available to support this work and, in the case as raised by Councillor Clayton, equipment had been hired to monitor dust and other particulate matter. By investing in equipment that monitored activities, the time officers had to spend at sites under investigation was reduced. The approach would continue with the idea being to invest wisely to help maintain the service's capacity to deal with issues. However, the use of technology could not fully replace the need for officers to witness nuisance activities before issuing abatement notices.

The Business Support Officer, Bromsgrove District Council informed the Board that, the Annual Return as detailed at Appendix 2 to the report, was presented in the prescribed format as required by the accounting regulations service for small bodies which WRS were now classed as. There was no requirement for small bodies to be audited by external auditors, but there was still a requirement to conduct internal audits on internal systems.

The Chairman thanked officers for an excellent report and commented that she was unaware that officers conducted interviews following Police and Criminal Evidence Act (PACE) guidelines, interviews conducted under caution. She was also pleased to note that the officer who transcribed PACE tapes was now delivering the transcribing of PACE tapes for client authorities.

RESOLVED:

(a) that the Worcestershire Regulatory Services Annual Report 2016/2017 be noted; and

(b) that a copy of the Worcestershire Regulatory Services Annual Report 2016/2017 be forwarded to the Chief Executive, Managing Director and Members of each partner authority and Worcestershire County Council.

7/17 **WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL - MARCH 2017 & ANNUAL RETURN**

The Board considered a report which detailed the financial position for the period 1st April 2016 to 31st March 2017 and the Annual Return.

The Business Support Officer, Bromsgrove District Council (BDC), introduced the report and in doing so informed the Board that the report presented the final financial position for Worcestershire Regulatory Services (WRS) for the period 1st April 2016 to 31st March 2017.

Members were further informed that, as stated earlier during the course of the meeting, the Annual Return as detailed at Appendix 2 to the report was presented in the prescribed format as required by the accounting regulations service for small bodies.

The Business Support Officer, BDC, drew Members' attention to the information as detailed in the report on the Pension Deficit for 2016/2017 and that this had been absorbed in the financial projections. There had been a payment of £26,370 from Worcestershire County Council for their share of the deficit.

An income budget target of £215,000 was set by WRS Managers for 2016/2017. But through hard work and the successes achieved by WRS, the total income generated from all sources was £461,000. The Business Support Officer, BDC, took the opportunity to congratulate WRS officers on their achievement.

RESOLVED:

(a) that the final financial position for the period 1st April 2016 to 31st March 2017 be noted; and

(b) that the refund of the 2016/2017 underspend of £39,000 to the participating Councils be approved as follows:

Council	Refund of Savings £'000
Bromsgrove	6
Malvern Hills	5
Redditch	7
City of Worcester	6
Wychavon	9
Wyre Forest	6
	39

8/17 **ACTIVITY AND PERFORMANCE DATA QUARTERS 1, 2, 3, AND 4**

The Board considered a report that detailed Worcestershire Regulatory Services Activity and Performance Data for Quarters 1, 2, 3 and 4, 2016/2017.

The Chairman requested that Members focussed on the strategic information detailed in the Activity and Performance Data report; and that she would request that any questions with regard to individual partner authorities, be raised by Members outside of the meeting with the relevant officers.

The Environmental Health & Trading Standards Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that following the spike in food safety and hygiene complaints in the third quarter, numbers remained high in quarter 4, exceeding the numbers in previous years. A problem profile of this area had been commissioned from the Intelligence Team for quarter, 2017/2018 so that officers could better understand this development.

At the WRS Board meeting held on 16th February 2017, Members were advised that officers would look to make up the volume of food inspection work in the final quarter of the year. Officers had succeeded in achieving this, with some 600 inspections being carried out across the County for the year.

The Environmental Health & Trading Standards Manager, WRS, drew Members' attention to the WRS Headlines, as detailed on pages 77 to 88 in the report.

RESOLVED that the Activity and Performance Data report for Quarters 1, 2, 3 and 4, 2016/2017 be noted.

9/17 **FOOD STANDARDS AGENCY'S AUDIT - VERBAL UPDATE**

The Head of Regulatory Services, Worcestershire Regulatory Services (WRS) provided the Board with a brief verbal update on the recent Food Standards Agency audit.

There had been some changes as to the way food enforcement was carried out in Worcestershire. Food enforcement was being carried out, but not to the Food Standards Agency, prescriptive agreed framework for local authorities.

Senior officers were nervous as to how this would be received by the auditors. The audit could not be conducted specifically on WRS, since they provided a countywide service. The auditors had requested to look at Wyre Forest District Council and Redditch Borough Council. Once the audit team had seen the relevant data for Wyre Forest District Council, they determined that this was all that was required, since the same food enforcement was conducted for each partner authority.

WRS officers operated on the principal that visits were tailor made for businesses and decisions made upon those visits, less time was spent with good food businesses, thus enabling officers more time with risky businesses that required additional support.

A formal report from the Food Standards Agency would be issued to the Head of Regulatory Services, WRS and the Chief Executive, Wyre Forest District Council. The Head of Regulatory Services, WRS, would provide a report on the findings of the Food Standard Agency audit to the next meeting of the Board.

The meeting closed at 5.35 p.m.

Chairman

Worcestershire Regulatory Services
Supporting and protecting you

WRS Board
5th October 2017

WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL – JUNE 2017

Recommendation

It is recommended that the Board :

1.1 Note the final financial position for the period April – June 2017

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 2017.

Background

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

Report

The following reports are included for the Board's Attention:

- Revenue Monitoring April – June 17 – Appendix 1
- Income Breakdown – April – June 17 – Appendix 2

Revenue Monitoring

The detailed revenue report is attached at Appendix 1. This shows a projected outturn underspend of £9k, it is appreciated this is an estimation to the year end based on current level of expenditure. The following assumptions have been made:-

- There are a number of vacant posts within the service and these together with savings resulting from maternity leave, long term sick etc., result in a projected underspend in salaries. This is offset by the costs associated with additional agency staff being used to cover the vacancies, sick and to support the additional income generation. Officers will ensure the reliance on agency cover is as minimal as possible.
- Based on the spend from April – June 2017 in relation

to pest control, there will be an estimated overspend of £11k. Appendix 1 shows this cost recovered from partner councils and officers will continue to monitor and analyse the impact on each council. The individual cost allocation will be advised to partner councils once the information is analysed. It is proposed that partner councils are advised of their share of the actual cost to date at quarter 2 for inclusion in council reporting.

- Appendix 2 shows the detail of the income achieved by WRS April – June 17. £73k worth of income was received in quarter 1 against a full year budget of £284k. It is difficult this early in the year to give a clear picture of income outturn figures however, if the same income trend continues for the rest of the year the full year income target of £284k will be achieved. If the predicted potential level of income is achieved, this figure will be exceeded. Last year's income included sums from the County Council which makes it difficult to identify any seasonal variations or similar potential changes that might impact on the volume of income achieved on a quarterly basis. Therefore there will be some uncertainty as this stage on predicted outturn figures. WRS Team Managers will continue to closely monitor income and expenditure and a clearer picture will be available by quarter 2.
- Any grant funded expenditure is shown separate to the core service costs as this is not funded by the participating Councils.
- All Partners have agreed to cover pension back-funding costs by making an advance payment to cover the next 3 years from 2017/18.

The District partner percentages for all other costs incurred or refunds for 2017/18 will be:-

- Bromsgrove 14.52%
- Redditch 17.49%
- Wyre Forest 15.30%
- Wychavon 23.16%
- Malvern 12.77%
- Worcs City 16.76%

This reflects the agreement excluding the County Council.

Financial Implications

None other than those stated in the report

Sustainability

None as a direct result of this report

Contact Points

Jayne Pickering – 01527-881400

Background Papers

Detailed financial business case

Regulatory Services - Revenue Monitoring 2017/18 - 3 Months to end of June 2017 **Appendix 1**

	Full year Budget	Budget 3 Months to June 17	Expenditure to June 17	Variance	Projected outturn	Projected Outturn Variance
Direct Expenditure	£'000	£'000	£'000	£'000	£'000	£'000
Employees						
Salary	2,508	620	606	-15	2,512	4
Agency Staff	0	0	9	9	20	20
Employee Insurance	16	4	3	-1	16	0
Sub-Total - Employees	**2,524**	**624**	**617**	**-7**	**2,548**	**24**
Premises						
Rent / Hire of Premise	54	14	13	-0	54	0
Cleaning	1	0	0	-0	1	-0
Utilities	0	0	0	0	0	0
Sub-Total - Premises	**55**	**14**	**13**	**-0**	**55**	**0**
Transport						
Vehicle Hire	13	2	2	-0	13	0
Vehicle Fuel	8	1	1	-0	8	0
Road Fund Tax	1	0	0	-0	1	0
Vehicle Insurance	3	1	1	0	3	0
Vehicle Maintenance	3	0	0	-0	3	0
Car Allowances	87	15	20	6	86	-1
Sub-Total - Transport	**115**	**19**	**25**	**5**	**114**	**-1**
Supplies and Services						
Furniture & Equipment	30	10	10	0	30	0
Clothes, uniforms and laundry	3	0	-0	-0	3	0
Printing & Photocopying	17	5	5	0	18	1
Postage	11	3	3	0	11	0
ICT	40	8	11	3	43	3
Telephones	23	6	3	-2	23	0
Training & Seminars	24	2	4	1	26	2
Insurance	30	8	8	1	30	0
Third Party Payments						
Support Service Recharges	100	25	25	0	100	0
ICT Hosting	44	11	11	0	44	0
Sub-Total - Supplies & Service	**321**	**77**	**80**	**3**	**327**	**6**

Regulatory Services - Revenue Monitoring 2017/18 - 3 Months to end of June 2017 **Appendix 1**

	Full year Budget	Budget 3 Months to June 17	Expenditure to June 17	Variance	Projected outturn	Projected Outturn Variance	
Direct Expenditure	£'000	£'000	£'000	£'000	£'000	£'000	
Contractors							
Dog Warden	145	33	32	-1	140	-5	
Pest Control	46	11	14	3	58	12	Income of £12k received from Severn Trent for Sewer Baiting, offsett in Income
Taxi / Alcoh & Other Licensing	65	16	20	4	68	3	
Other contractors/consultants	3	0	0	-0	3	0	
Water Safety	5	1	1	-0	5	0	
Food Safety	2	1	0	-0	2	0	
Environmental Protection	12	3	9	6	21	9	Bereavement / Works in Default to be charged to relevant partners
Grants / Subscriptions	11	3	4	0	11	1	
Advertising, Publicity and Promotion	6	1	0	-1	6	0	
Sub-Total	**294**	**70**	**81**	**11**	**314**	**20**	
Income							
Training Courses / Bereavement / Works in Default / Sewer Baiting etc	-284	-59	-73	-14	-342	-58	
Sub-Total	**-284**	**-59**	**-73**	**-14**	**-342**	**-58**	
Total	**3,025**	**745**	**743**	**-2**	**3,016**	**-9**	

Percentage saving from original budget £7,181 in 2010-11 58.01%

Grant Funded Spend	**Spend 17-18**	**Remaining Reserve Balance**	**Funded By**	
Health & Well Being	3	41	Primary Care Trust	Conditional
Worcs Works Well	1	28	Public Health Dept	Unconditional
LEP	7	21	Worcestershire Local Enterprise	Unconditional
County Buyout		173		Unconditional
Grant Income	-11			
Total	**0**	**263**		

	Full year Budget	Budget 3 Months to June 17	Expenditure to June 17	Variance	Projected outturn	Projected Outturn Variance
Direct Expenditure	£'000	£'000	£'000	£'000	£'000	£'000

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Regulatory Services Income Cum to June 17 — Appendix 2

Income from Partners	
Budget	756,265
Bereavement/ Public Burials	7,560
Pest Control Overspend - Wychavon / Wyre Forest & Redditch	2,846
	766,671
Grant Income	
Healthy Eating	10,984
Severn Trent - Sewer Baiting	2,110
	13,094
Other Income	
Stray Dog Income	10,441
County - Mgmt / Admin / Legal etc	13,250
Warwickshire County Council - Intelligence	2,700
Transcription Work	476
Tewkesbury BC / Stratfor Upon Avon - Planning Support Work	7,242
South Gloucs & Gloucs City Contaminated Land Work	10,684
Glous City - PPC Work	719
Primary Authority work	1,542
Training / Risk Assessments of Water Supplies / Burials etc	502
Vet Fee Inspection Costs Recovered	2,042
Food Training Courses / Certificates / Food Hygiene Rating	
Ad-Hoc	
	49,598
Total Income April - June 17	**829,363**

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Worcestershire
Regulatory Services
Supporting and protecting you

WRS Board: 5th October 2017

Activity and Performance Data Quarter 1 (2017/18)

Recommendation

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.

Background

The detail of the report focuses on Q1 but the actual data allows comparison with previous years.

Contribution to Priorities

Board Members have asked the service to provide data on activity levels to help reassure local members that WRS continues to tackle issues broadly across the county.

Report

Activity Data

During the current assessment period WRS recorded 396 cases relating to food hygiene and safety. This total is consistent with the previous quarter but an increase of 45.1% compared with the same period in 2015. The highest percentage of cases were enquiries (52.0% - 206 cases) and complaints about food products (31.6% -125 cases). In addition to food safety complaints and enquiries, 293 inspections were carried out across the county at premises included in the Food Hygiene Rating Scheme. During this period 97.9% of rated premises across Worcestershire included in the scheme were broadly compliant whilst 2.1% were non-compliant, so there is no overall sign of businesses being less well run. During May, the Food Safety function was subject to external audit by the Food Standards Agency. The outcome is covered in a separate Board report.

During the current assessment period WRS recorded 225 cases relating to health, safety and wellbeing, an increase of 13.6% compared to the previous quarter. The increase follows a greater number of health and safety cases but is not considered to be significant given the relatively low number of cases overall. The highest percentage of cases were general enquiries relating to health and safety (22.7 – 51 cases), health and safety complaints (21.3% - 48 cases) and accident reports relating to an employee or self-employed person being away from work for over seven days (16.4% - 37 cases). The highest number of infectious disease recorded cases related to salmonella (17 cases) and

cryptosporidium (13 cases).

Cases relating to nuisance and public health increased by 20.9% compared to the previous quarter and 26.5% compared the same period in 2016. This is at a time of year when we have historically seen the beginnings of a spike in complaints anyway that follows into the Summer season. It is likely that a sustained period of good weather in late May and June was the reason for the increase. Reports later in the year will show if the trend continued.

The highest percentage of recorded cases related to noise from domestic properties (22.2% - 388 cases) and smoke nuisance (9.9% - 173 cases). Overall, around 65% of pollution cases related to noise nuisance.

Staff report that the tolerance of the public in respect of issues with their neighbours and businesses appears to be reducing, with increasing expectations of what the local authority can do to help resolve problems. These expectations regularly exceed what is achievable in law. Whilst some mediation can be attempted between neighbours, unless there is a breach of the legal provisions, which have a very high bar, no formal action can be taken. This can be particularly problematic with businesses because the Regulator's Code, made under the Regulatory Enforcement and Sanctions Act 2008 requires that local authorities do not impose any greater regulatory burden than the law requires. This seems likely to lead to an increase in corporate complaints during Q2.

These demands made over and above the legal capability of the service and the number of complex cases being contested through the court system requires careful management to ensure that they do not impinge on the sustainability of the service in respect of nuisance work and our ability to deliver on our pro-active activities such as food safety inspections. We shall continue to monitor and manage this demand through our tasking meetings.

The government's draft air quality management plan for the UK was finally launched following the initial delays in its release. The plan follows the concept of action plans already implemented at local authority levels and introduces a second higher tier of air quality management responsibility through the creation of a joint enterprise between DEFRA and DFT. This entity has the task of resolving air quality issues in locations that suffer from extensive problems such as London, Birmingham, Glasgow, Liverpool and the development of nationwide nitrogen dioxide control amongst other initiatives. The higher tier system is facilitated through new powers that enable the declaration of Clean Air Zones (CAZ) within cities.

The strategy has very little effect upon Worcestershire's air quality management plans as it is not identified in the government's consultation as being an area of national concern. Nevertheless, there appears to be some cross over between national initiatives and that of the local policies. WRS are keeping a close eye on these developments. As DEFRA deploy the changes, it is anticipated that there will be a difference in the way grant funding will be allocated when schemes are

eventually announced with the need for councils to have much more radical and ambitious plans on how they deliver air quality improvements.

The team has worked closely with colleagues from Worcester City on the extension of the gull control campaign. Key messages have been posted on waste bins in the City centre and widespread local radio advertising encourages residents and visitors to "feed the bins and not the gulls." WRS has looked at options with Red Kite pest control for increasing egg replacement and the Licensing team will look to work with businesses with street amenity permissions to get food waste cleared from outside tables as quickly as possible.

The Licensing team has also been engaged in a number of other initiatives. The launch of Best Bar None in Bromsgrove was attended by the team and follows last year's launch in Worcester City. The first of the year's taxi enforcement evenings took place, also in Bromsgrove, looking for vehicles that were not meeting the council's rigorous standards for maintenance. A number of vehicles were taken off the road until faults were rectified. National Licensing week in June also saw a number of joint visits being undertaken with the Gambling Commission to licensed outlets across the county.

There is continuing development of the Worcestershire Food and Drink Project, funded by the Worcestershire LEP. We recently commissioned a stand alone website through Worcester-based Source Design and Print and are working with Hale Events, organisers of The Food and Drink Trade Show at the Three Counties Showground, to make an even better experience for our local food businesses in 2018. We are also working with Visit Worcestershire to promote our Level 4 and Level 5 rated food businesses on their new website from January 2018.

Performance

Performance reporting is limited in quarter 1, with the main focus on customer feedback. Business satisfaction remains excellent at 98.4% but satisfaction for non-business customers is slightly down at 71.7%. This is partly a reflection of some of the difficult cases that the team had dealt with combined with being unable to always resolve problems. People continued to find contacting us useful with over 72% still saying they fell better equipped to deal with their own problems in the future. This is slightly below but close to previous figures.

Staff sickness for Q1 is 1.19 days per FTE. The majority of this is down to long term sickness. Managers are seeking to address this where possible but there are a number of officers in need of surgery which will cause this figure to increase during the year. There were only three corporate complaints during Q1 but we are expecting to see this increase in Q2. We had 32 compliments in Q1 demonstrating that staff continue to deliver good outcomes for the public where they can.

Finally we finish with a news story that members may find interesting. All of our press releases can be found on the WRS website.

Café owner fined

The owner of a café in Redditch has been fined for breaches of food safety and hygiene regulations. Keith Robert Troth pleaded guilty at Redditch Magistrates Court on Thursday May 11 for failing to ensure food was protected against contamination, lacking the required procedures for cleaning and food control, and failing to keep premises clean and in good condition. The case was brought after a routine food hygiene inspection at Mr Troth's Cerrones Café in Oxleasow Road in October last year had found mouse activity and a build-up of dirt and debris. The court heard that Worcestershire Regulatory Services (WRS) had carried out the inspection while the café was open and serving food on 5 October 2016. Mouse droppings were found in food preparation areas and on the counter top next to dishes of cooked food and a drinks machine. Mouse activity was also noted in storage areas, including on open lids of food storage containers, and a pack of blue paper rolls containing chewed up paper and mouse droppings were also found. A build-up of dirt and debris had also indicated a lack of cleaning procedures. Magistrates took account of Mr Troth's limited finances, lack of any previous convictions and early guilty plea in fining him £500 for four offences, and awarding costs of £1,000 plus a victim surcharge of £50.

Contact Points

Mark Cox, Technical Services Manager
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Background Papers

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

Appendix B: Performance Indicator Table

(2016/17 data shown in brackets)

Indicator	Reporting period	Q1	Q2	Q3	Q4/ Outrun
1. % of service requests where resolution is achieved to customers satisfaction	Quarterly NB: fig is cumulative	71.7% (**81.3%)**			
2. % of service requests where resolution is achieved to business satisfaction	Quarterly NB: fig is cumulative	**98.4%** (92.6%)			
3. % businesses broadly compliant at first assessment/ inspection	Annually	NA	NA	NA	
4. % of food businesses scoring 0,1 or 2 at 1st April each year	Annually	NA	NA	NA	
5. The proportion of taxi driver licenses issued within 5 working days of receiving a completed application (including current and clear DBS check.)	6-monthly	NA		NA	
6. % of vehicles found to be defective whilst in service Number of vehicles found defective by district and the %age this represents of the fleet county-wide	6-monthly	NA		NA	
7. % of service requests where customer indicates they feel better equipped to deal with issues themselves in future	Quarterly NB: fig is cumulative	72.5% (**81.4%)**			
8. Review of register of complaints/ compliments	Quarterly	**3/32** 3/18			
9. Annual staff sickness absence at public sector average or better	Quarterly	**1.19** (1.74) 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		NA	
12. Rate of noise complaint per 1000 head of population	6-montly	NA		NA	
13. Total income expressed as a % of district base revenue budget (16/17)	6-monthly	NA			
14. Cost of regulatory services per head of population (Calculation offsets income v revenue)	Annually	NA			

Worcestershire
Regulatory Services
Supporting and protecting you

Activity Report 2017/18

intelligence@worcsregservices.gov.uk

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

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Wychavon District Council
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Foreword

Welcome to the first set of activity data for 2017/18. As you will see from the graphs, the year started with a bang, with reactive demand up in a range of areas creating pressure on our teams. The good weather at the end of May and in June meant that our Summer nuisance demand spike started early so officers have been busy dealing with noise and similar issues. We have still managed to deliver a reasonable number of food inspections.

Whilst I mention food, we were visited by the Food Standards Agency in May for an audit and their response to how we do things in Worcestershire was very positive, even though we need to improve things.

Air quality continues to create interest with challenges to central government policy focusing minds on the problem. The team responded to the Governments new proposals on behalf of partners and will be presenting to Worcester City's committee in the Autumn. No doubt other partners will also be interested going forward.

With this being just a few aspects of what we deliver on your behalf, it looks like it will be yet another busy year for your teams

Simon Wilkes
Head of Regulatory Services

WRS Headlines

Quarter 1

Feed The Bins, Not The Gulls

During June, Worcester City launched the 'feed the bins, not the gulls' campaign. A significant part of this campaign was implemented by WRS including; management of the contract to undertake the egg replacement work in the city centre, exploring the potential deterrent to nesting that red rooves may present and liaison with residents and businesses wishing to take their own action or complain. Red Kite Pest Control have replaced gull eggs for rubber dummy eggs in nests on city centre rooves for many years but this has been widened to include new properties this year. The advice issued to businesses has changed to reflect the work they can do to reduce the suitability of their own rooves for nesting as well as action they can take to reduce the impact of the gulls such as car ports to prevent gulls leaving mess on bars and advice to eateries on preventing food being taken.

National Licensing Week

During National Licensing Week (June 19th to 23rd) Licensing Officers and Officers of the Gambling Commission made a number of visits to licensed Gambling premises (Betting Shops, Adult Gaming Centres and Bingo Halls) across the County. The results of which only showed minor infringements of licence conditions which were easily rectified. These results showed that the majority of these types of premises are well run with little disorder.

Taxi Enforcement

The countywide Hackney Carriage and Private Hire Vehicle enforcement program has begun with the Bromsgrove District; this being the first of many enforcement exercises planned across the county in the coming year. A number of vehicles were taken off the road until faults were rectified - as they were found to be not fit for the purpose of carrying passengers; further exercises are planned and will be carried out shortly.

Best Bar None

Licensing Officers have participated in the steering group to introduce the Best Bar None scheme in Bromsgrove; with a number of the Licensing Officers attending the opening launch. All Licensing Technical Officers will be undertaking a specialised training programme to become Best Bar None assessors in early September.

Licensing Appeals

There have been two appeals in the courts for taxi related matters.

The first was an appeal by an applicant who had been refused a licence to drive hackney carriage and private hire vehicles as he did not meet the Council's medical requirements set out in Policy. In short, he did not meet the DVLA Group 2 standards adopted by the majority of Councils as is best practise and was therefore refused a licence. The decision of the Council Sub-Committee was upheld by the courts. Costs of £400 were awarded against the appellant in this case.

The second, this was an appeal by an existing licensed HC/PH driver against the decision of the Council's Licensing Sub Committee to revoke his driver's Licence. A brief summary of the case a decision was made to revoke the licence based on the fact that there had been a recent complaint of abusive behaviour towards a Council staff member employed as a Civil Enforcement Officer whilst undertaking her duties and also concerns over his lack of

Food Safety Audit

In May we were audited by the Food Standards Agency (FSA). Whilst for legal reasons the audit focussed on Wyre Forest District Council the auditors accepted that our working practices applied across all the Districts. The physical audit took place over two days with the FSA piloting a new approach which was more of a critical friend than the previously arduous audits known to many local authorities. The audit outcome has been very positive with a strong acceptance of our new ways of working. The full report will be published on www.food.gov.uk/enforcement/auditandmonitoring/auditreports

Food Safety Prosecutions

Grillicious Pizza and Grill in Mount Pleasant, Redditch, who had been visited by officers several times and ignored advice, was recently prosecuted with fines and costs of nearly £9,000 imposed; a sign of the impact of the Sentencing Guidelines which came into force in 2016. A rat infested Wychavon distribution warehouse, Mayfair Holdings, was fined over £4,000.

Food Hygiene makes the news

The local press, particularly the Worcester Evening News, are now regularly running stories on low scoring businesses. We both welcome and encourage this as it can help drive up safety standards as the businesses which have featured all reported a drop in sales The good news is that they have also given coverage to business improvements.

Fire Safety Checks

WRS officers have been working with the Fire Authority on a project making fire safety checks on people living over food businesses, both tenant and owner-occupied. This predates the Grenfell House incident. Regrettably, the Fire Authority has had to take enforcement action in a large number of premises.

Congratulations to our Environmental Health Student

Our student, Evesham based Lisa Maskell, who was on placement with us for three years and helped develop the Healthier Choices Food Award, achieved a First Class Masters Degree in Environmental Health from Birmingham and was promptly offered a job at Selfridges!

Worcestershire Food and Drink

There is continuing development of the Worcestershire Food and Drink Project, funded by the Worcestershire LEP. We recently commissioned a stand alone website through Worcester-based Source Design and Print and are working with Hale Events, organisers of The Food and Drink Trade Show at the Three Counties Showground, to make an even better experience for our local food businesses in 2018. We are also working with Visit Worcestershire to promote our Level 4 and Level 5 rated food businesses on their new website from January 2018.

Café owner fined

The owner of a café in Redditch has been fined for breaches of food safety and hygiene regulations. Keith Robert Troth pleaded guilty at Redditch Magistrates Court on Thursday May 11 for failing to ensure food was protected against contamination, lacking the required procedures for cleaning and food control, and failing to keep premises clean and in good condition. The case was brought after a routine food hygiene inspection at Mr Troth's Cerrones Café in Oxleasow Road in October last year had found mouse activity and a build-up of dirt and debris. The court heard that Worcestershire Regulatory Services (WRS) had carried out the inspection while the café was open and serving food on 5 October 2016. Mouse droppings were found in food preparation areas and on the counter top next to dishes of cooked food and a drinks machine. Mouse activity was also noted in storage areas, including on open lids of food storage containers, and a pack of blue paper rolls containing chewed up paper and mouse droppings was also found. A build-up of dirt and debris had also indicated a lack of cleaning procedures. Magistrates took account of Mr Troth's limited finances, lack of any previous convictions and early guilty plea in fining him £500 for four offences, and awarding costs of £1,000 plus a victim surcharge of £50.

Air Quality & Contaminated Land

The government's draft air quality management plan for the UK was finally launched following the initial delays in its release. The plan follows the concept of action plans already implemented at local authority levels and introduces a second higher tier of air quality management responsibility through the creation of a joint enterprise between DEFRA and DFT. This entity has the task of resolving air quality issues in locations that suffer from extensive problems such as London, Birmingham, Glasgow, Liverpool and the development of nationwide nitrogen dioxide control amongst other initiatives. The higher tier system is facilitated through new powers that enable the declaration of Clean Air Zones (CAZ) within cities.

The strategy has very little effect upon Worcestershire's air quality management plans as it is not identified in the government's consultation as being an area of national concern. Nevertheless there appears to be some cross over between national initiatives and that of the local policies. WRS are keeping a close eye on these developments as DEFRA deploy the changes it is anticipated that there will be a difference in the way grant funding will be allocated when schemes are eventually announced with the need for councils to have much more radical and ambitious plans on how they deliver air quality improvements.

At a local level work continues to focus on detailed assessments with air quality with exceedances of government NO2 objectives being identified in 2 additional locations within the city centre at Foregate Street and London Road. Other locations identified are Wychbold which is also exceeding the same standard.

Long awaited planning work has also commenced with County Highways and the District Council in Wyre Forest to re-model the traffic which navigates the Horsefair in Kidderminster which has the worst air quality in the county. It is anticipated that the work when complete will significantly reduce air pollution exposure through this important road junction.

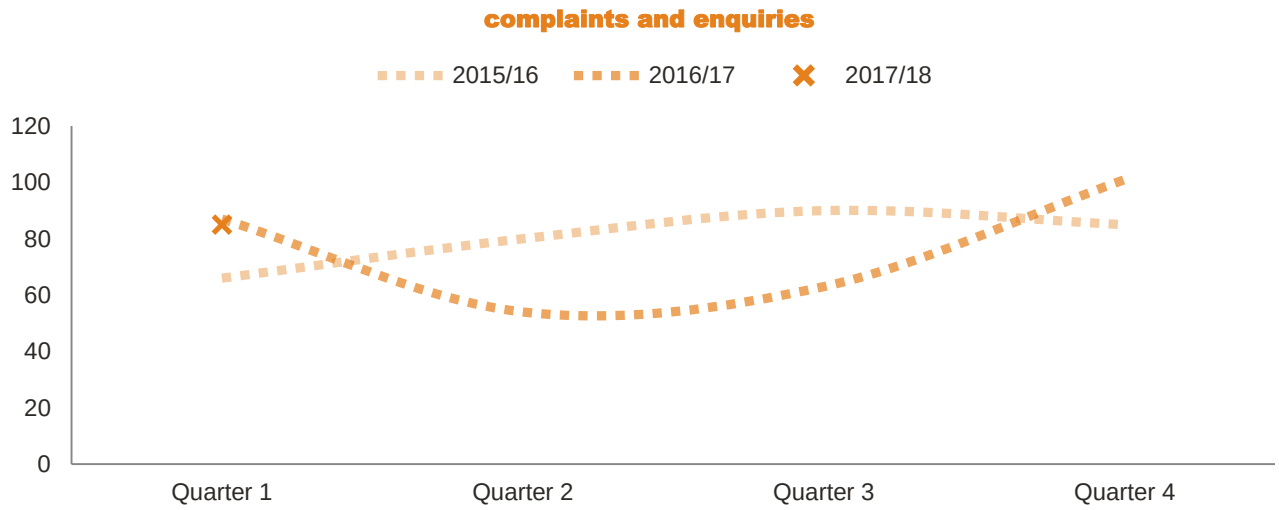
Dog Control

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

Dog control statistics include work carried out by WRS on behalf of Cheltenham Borough Council, Gloucester City Council and Tewkesbury Brough Council.

Historically the general trend in numbers of stray dogs reported is reducing and this would appear to continue this financial year. The spike towards the latter end of this first quarter may be associated with dog owners leaving doors open during the warm weather period but the numbers are lower than the last two years for this period. There is currently no discernible difference between the numbers of service requests this quarter. Generally these requests consist (in equal volume) of reports of gog aggression (to other dogs), reports of persistent dog straying and fouling and requests to handover their unwanted dog. WRS do not accept unwanted dogs unless all other options have been exhausted and a charity has been identified which will take the dog ensuring the Council does not pay kennelling fees. As well as helping dog owners with unwanted dogs it reduces the charges local authorities accrue in dealing with a dog once it is abandoned. The number of welfare cases where an investigation or improvement Notices are serviced are thankfully low at 4 for the period.



Environmental Permitting

Following the last activity report announcement DEFRA have now approved the welcome 4.75% increase in permitting revenue following a 6 year freeze. Finance departments of all partners have been informed of these changes and should be recharging as necessary. 2016-17 annual DEFRA compliance returns on behalf of the partners have been completed in line with required schedules.

WRS continue to work strategically with the major manufacturers industries in the region and are pleased to confirm that the joint working between WRS and Weinerberger Brickworks on the Hartlebury Industrial estate has finally delivered compliance with required BAT criteria for noise emissions following an investment of around £100,000 in attenuation improvements by the company. WRS has also commenced work on the environmental compliance aspects of Doncasters Precision Castings' investment programme following a successful planning application to extent the facility in Droitwitch.

Applications and interest in the installation of Small Waste Incineration plant (SWIPS) have been observed during the 1st quarter. These have been made by a number of small waste management businesses. It is anticipated that the interest has come about due to the increasing cost of landfill which is pushing waste management firms harder into looking at other means of reducing cost through environmentally responsible means. WRS have recently permitted one plant in Long Marsden and is currently reviewing several others in various locations within the County.

Developments in primary authority work within the permitting sector continue and WRS have been working with the FBCA federation of burial and cremation authorities regarding the possibility of a working agreement.

Food Safety

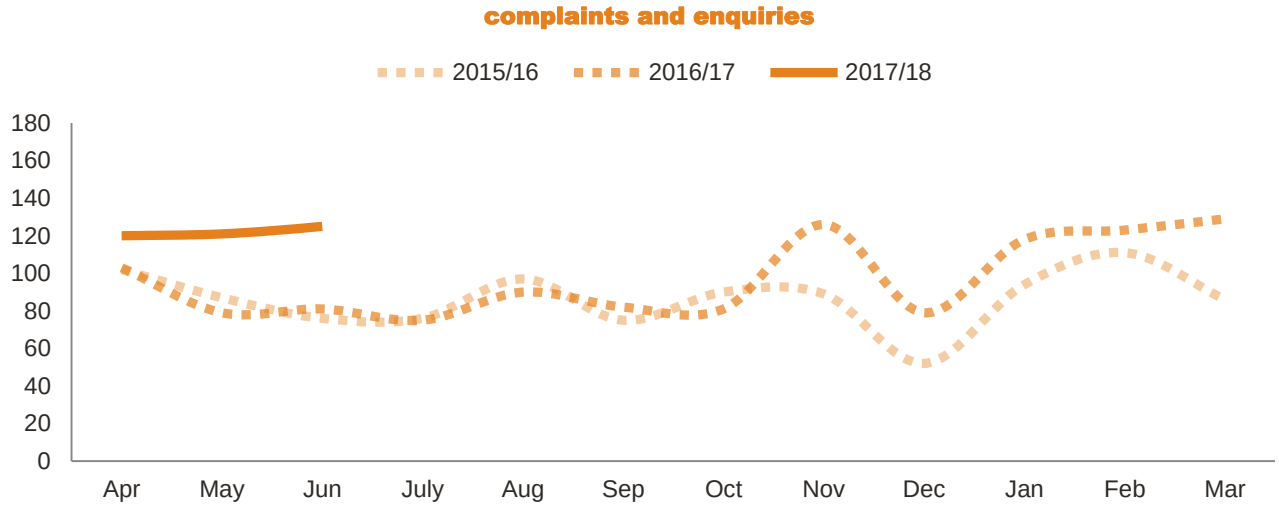
The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to food safety. Types of cases recorded under this category include hygiene of premises complaints, complaints about food products and requests for business advice. The chart (bottom right)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

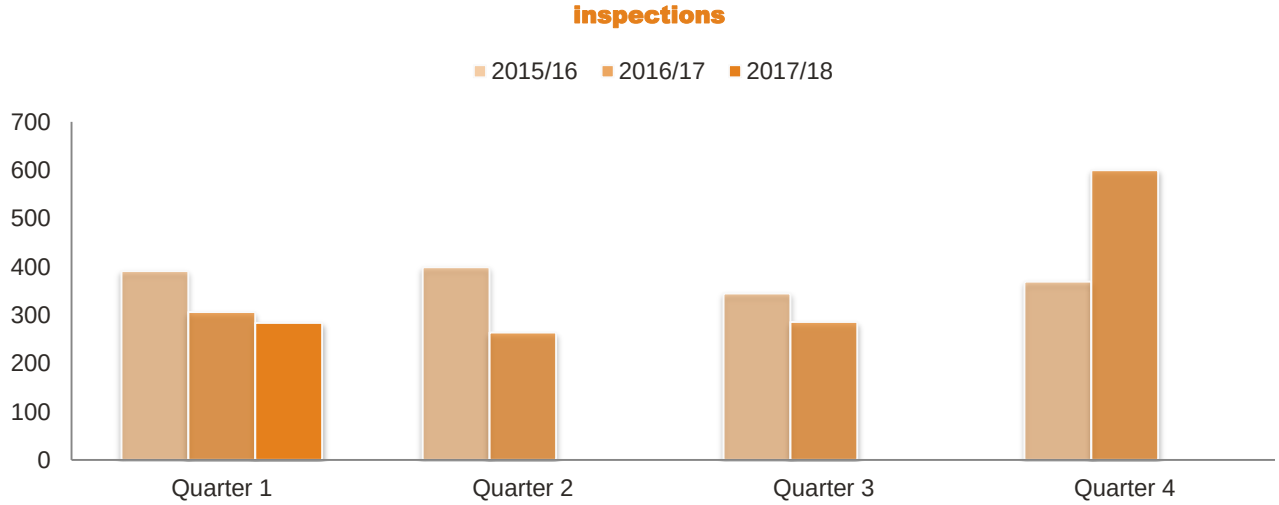
Comments

During quarter one, the number of food safety cases received by WRS increased by approximately 45% compared with 2015. The highest percentage of cases were enquiries and complaints about food products.

In addition to food safety complaints and enquiries 284 inspections were carried out across the county at premises included in the Food Hygiene Rating Scheme. During this period 97.9% of rated premises across Worcestershire included in the scheme were broadly compliant whilst 2.1% were non compliant.

During May the Food Safety function was subject to external audit by the Food Standards Agency. The accompanying Board report refers.



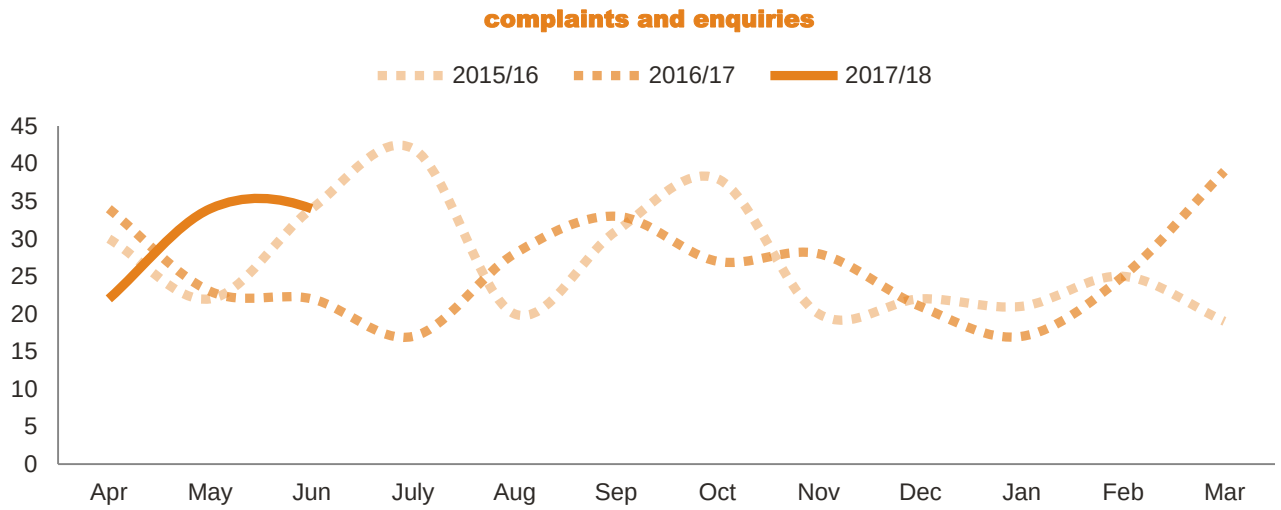


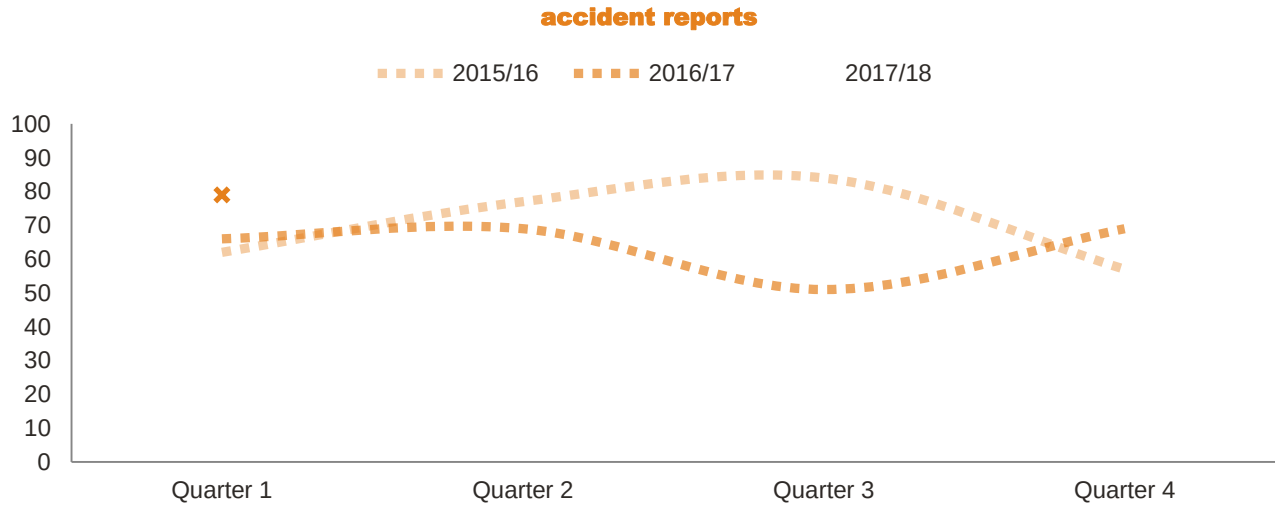
Health and Safety

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

Comments

During quarter one, WRS recorded 225 cases relating to health and safety, an increase of 13.6% compared to the previous quarter. The increase follows a greater number of health and safety cases but is not considered to be significant given the relatively low number of cases. The highest percentage of cases were enquiries , complaints and accident reports relating to an employee or self-employed person being away from work for over seven days.



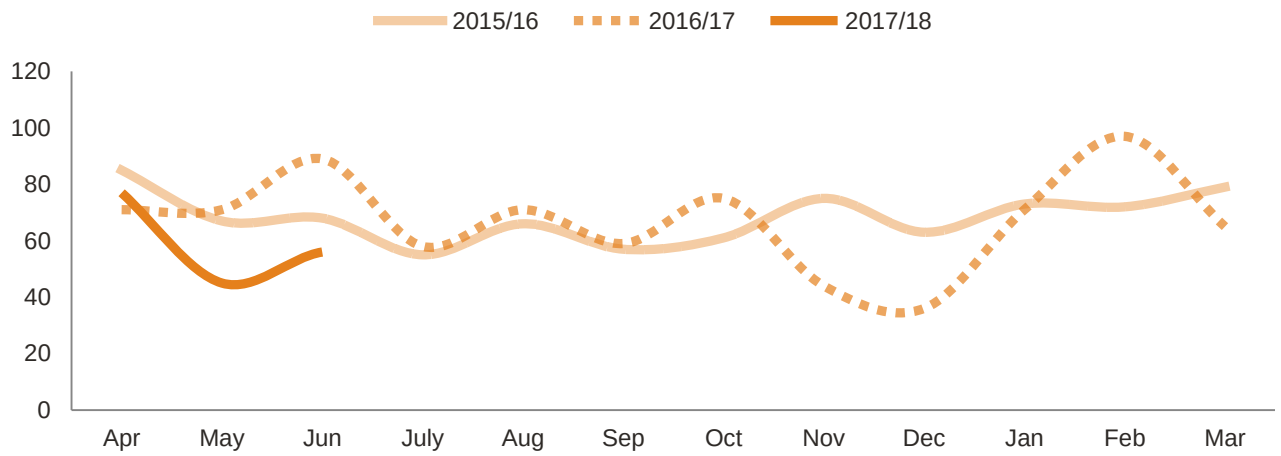


Information Requests

The chart (right) shows the number of information requests recorded by WRS over a three year period.

Information requests relate to the following:

- Evironmental Information Requests
- Freedom of Information Requests
- Requests for information under the Data Protection Act 1998 (generally received from partner agencies)



Comments

This area of work is completely reactive, although there has been a drive to proactively publish information held by WRS on our website, so enquirers are directed there in the first instance. A review of FOIs will be undertaken this year to identify commonly requested datasets so that where possible they are published ahead of requests being received.

Licensing

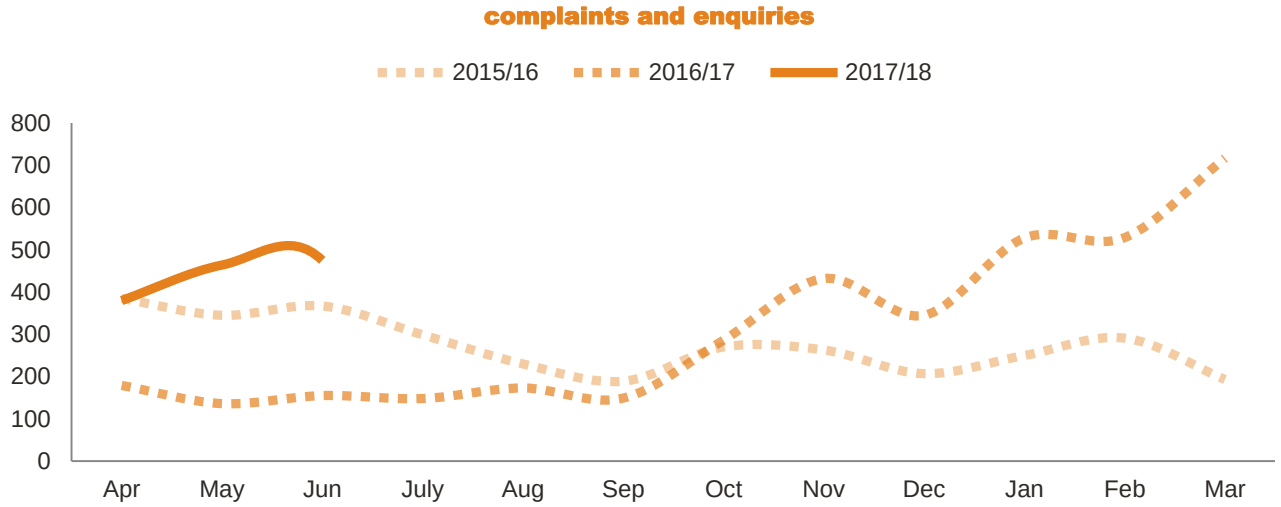
The chart (top right) shows the number complaints and enquiries recorded by WRS over a three year period relating to licensing. The chart (bottom right) shows the number of licensing applications.

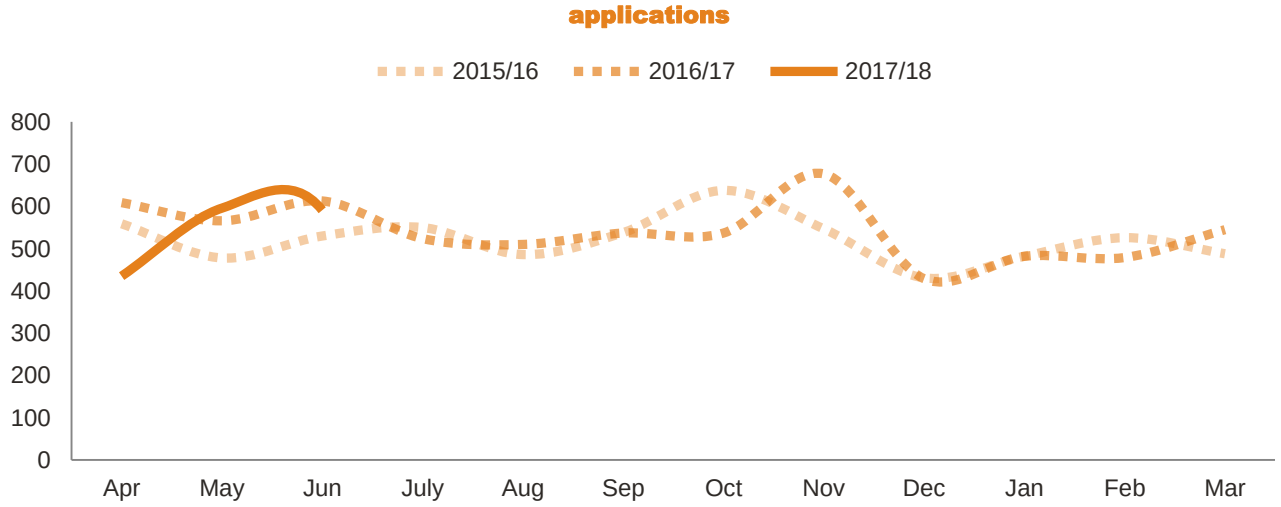
Licensing complaints, enquiries and applications relate to the following:

- Alcohol and entertainment
- Animals
- Caravans
- Gambling
- Scrap metal
- Sex establishments
- Skin piercing
- Street trading
- Taxis

Comments

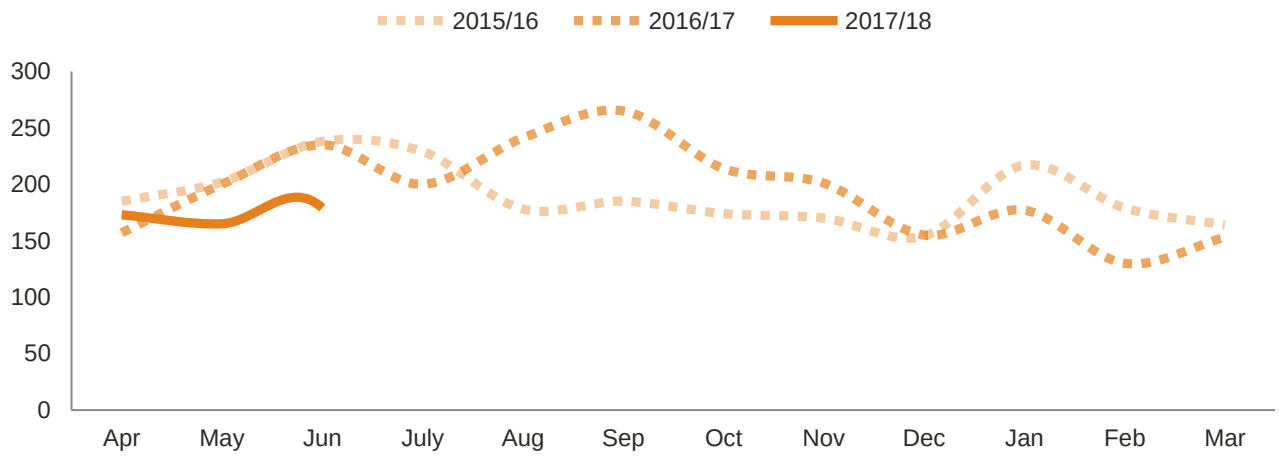
Licensing has continued to undertake it's duties in relation to all licensing matters with the first three months of 2017/18 being busier than last year. We have seen increases in both the number of licences and the number of enquiries that we deal with on a daily basis. The number of Temporary Event Notices seems to have hit the service a little earlier this year this was probably due to the exceptionally good weather we had in the late Spring/early Summer





Planning

The chart (right) shows the number of planning requests received 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

Comments

The number of planning cases referred to WRS during the period has increased from last quarter with a 13.4% increase but is a reduction of around 13% compared with 2015 and 2016. Some of this may be attributed to the continued improvement with Malvern Hills, Wyre Forest, Worcester City, Redditch and Bromsgrove authorities in utilising the Planning Checklist to reduce unnecessary consultation and identify where Environmental Health issues are pertinent to be raised. The main areas requiring WRS advice continue to be Noise/Nuisance and contamination issues. Nevertheless, officers have observed an increase in the number of complex cases over the same period such as the Birmingham resilience project and the 'Lakes application' in Bewdley.

WRS has now completed its draft version of a Supplementary Planning Document for environmental protection and will shortly commence discussion with Strategic planning departments with a view of adoption across all partner authorities.
Contaminated Land

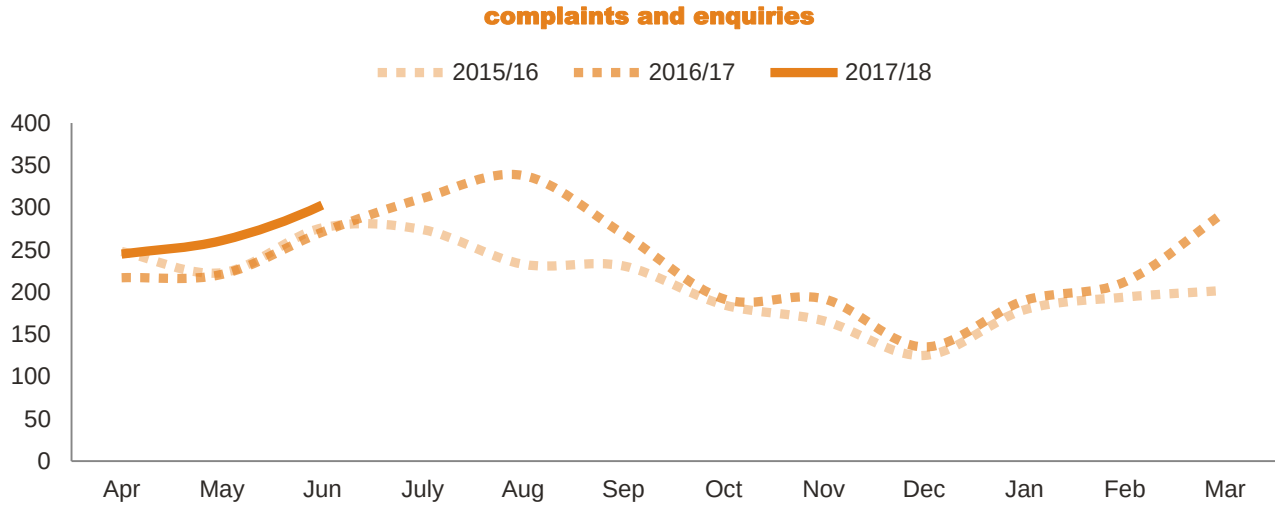
Historical support work continues with Marlbrook Tip in Bromsgrove to ensure its safe management along with Marl pool Drive in Reddtich following recent subsidence work to a property.

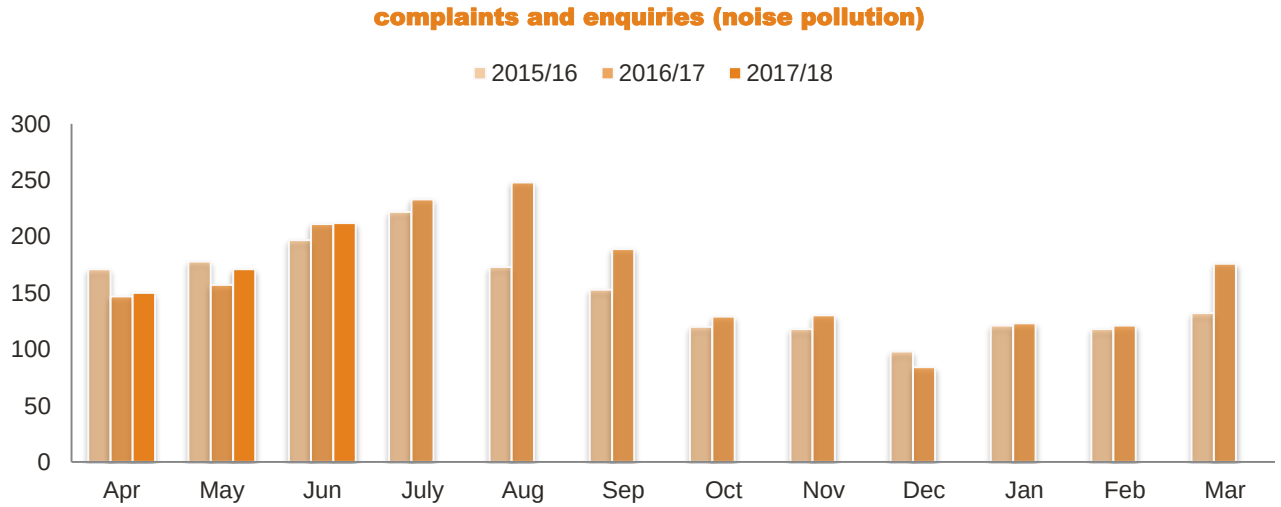
Pollution

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

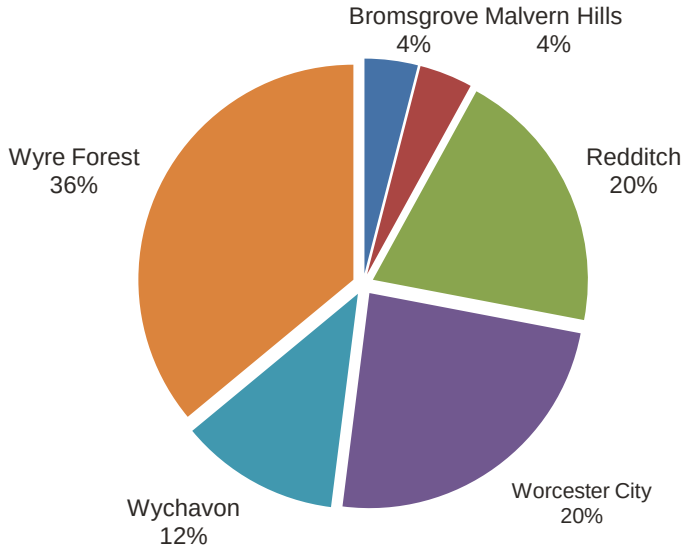
Cases relating to nuisance and public health (page 16) have increased by 20.9% compared to the previous quarter and 26.5% compared with 2016. This is at a time of year when we have historically seen a spike in complaints anyway and follows a sustained period of good weather. The highest percentage of cases related to noise from domestic properties and smoke nuisance. Around 65% of pollution cases related to noise nuisance. The tolerance of the public in respect of issues with their neighbours and business appears lower than ever with expectations of what we can do to help resolve their problem far higher than noted previously and regularly above what is achievable in law. These demands made over and above the legal capability of the service and the number of complex cases being contested through the court system requires careful management to ensure that they do not impinge on the sustainability of the service in respect of nuisance work and our ability to deliver on our pro-active activities such as food safety inspections. We shall continue to monitor and manage this demand through taskings.





Noise Pollution

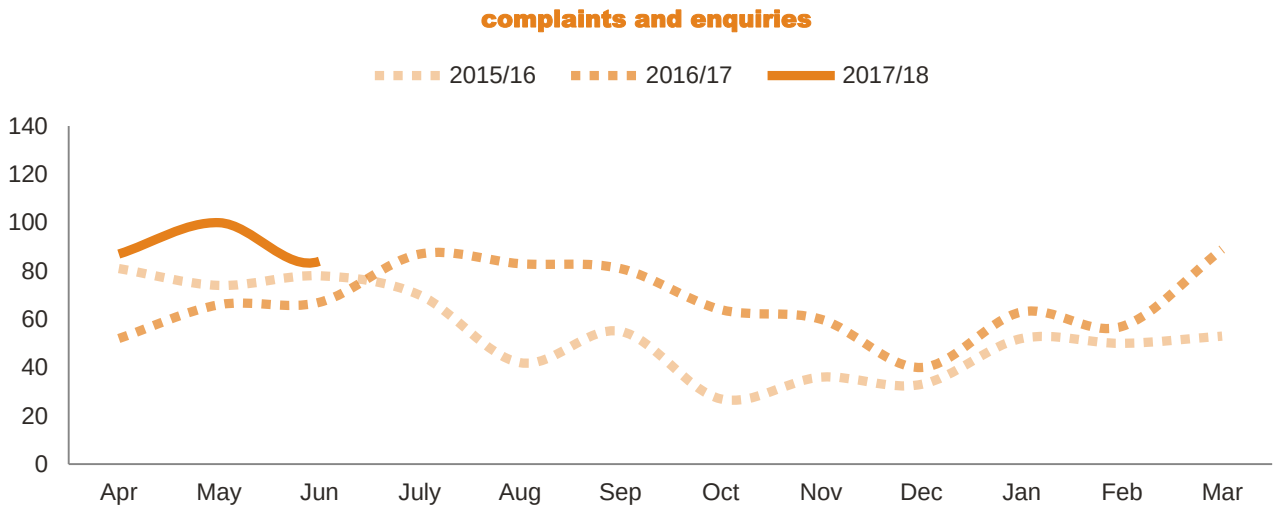
The table (right) shows the top 25 wards within Worcestershire with the highest number of noise pollution cases. Population and incident rates are also shown and reflect the recent boundary changes in Bromsgrove and Wyre Forest. The chart (left) shows the top 25 wards by district, for example, 20% of wards highlighted in the table are located within Worcester City.

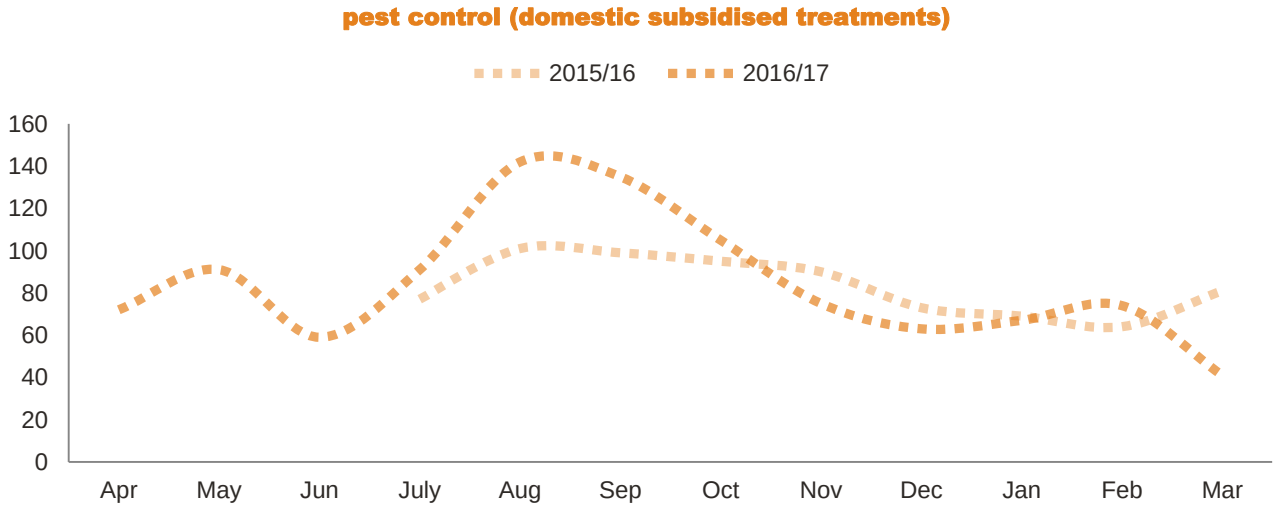


Ward	Total	Population	Rate (%)
Greenlands	28	9,122	0.31%
Blakebrook And Habberley South	26	9,000	0.29%
Cathedral	24	10,835	0.22%
Batchley And Brockhill	22	8,553	0.26%
Bedwardine	21	8,279	0.25%
Central (Redditch)	20	6,494	0.31%
Mitton	18	9,752	0.18%
Abbey	18	6,197	0.29%
Foley Park And Hoobrook	17	9,914	0.17%
Broadwaters	17	9,108	0.19%
Upton And Hanley	17	4,186	0.41%
Franche And Habberley North	16	9,783	0.16%
Bengeworth	16	6,793	0.24%
Arboretum	16	6,195	0.26%
Areley Kings And Riverside	15	8,261	0.18%
Bewdley And Rock	14	8,542	0.16%
Warndon	14	5,934	0.24%
Aggborough And Spennells	13	8,685	0.15%
Nunnery	13	8,087	0.16%
Astwood Bank And Feckenham	12	6,042	0.20%
Pershore	11	7,485	0.15%
Droitwich East	11	5,554	0.20%
Saint Stephen	11	5,233	0.21%
Sanders Park	11	3,463	0.32%
Wyre Forest Rural	10	8,967	0.11%

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 cateogry 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 within Worcestershire.

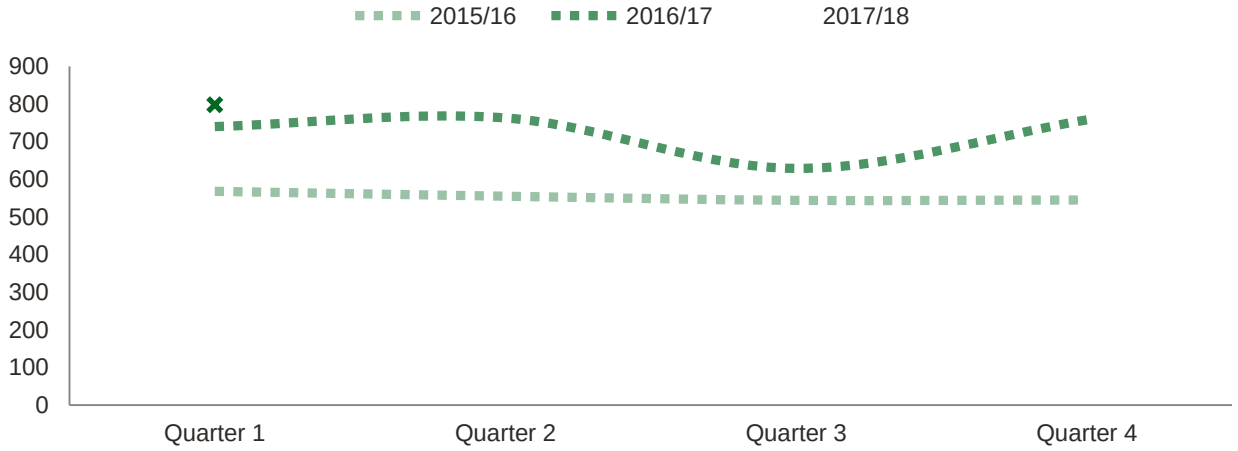


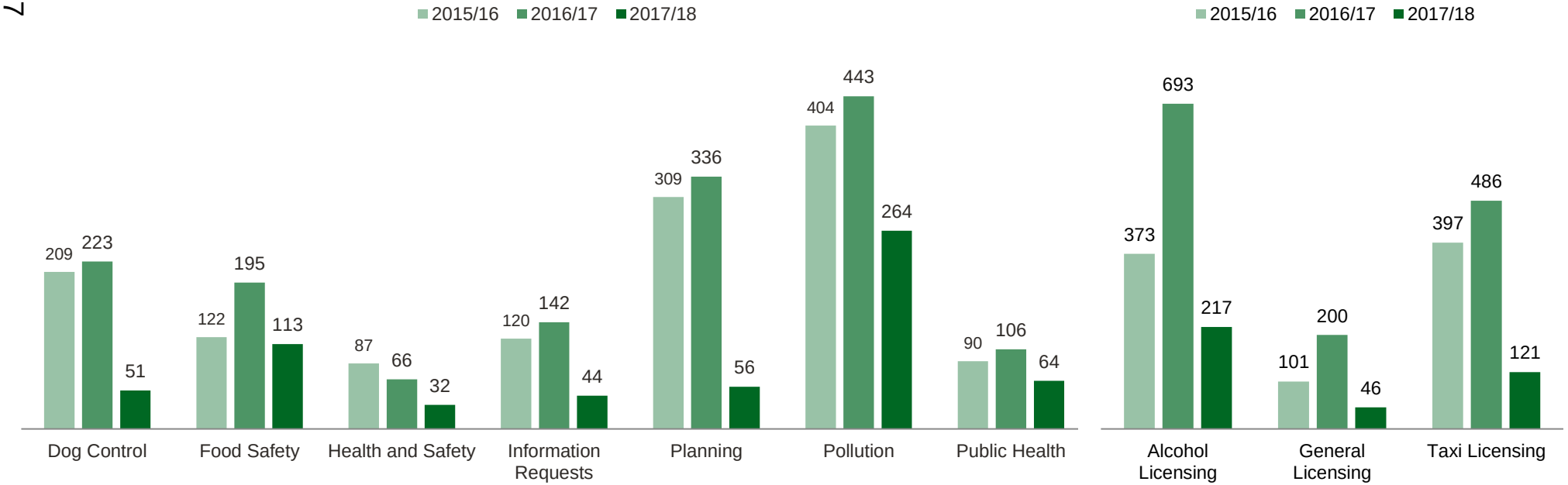


Bromsgrove District Council
www.bromsgrove.gov.uk

The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Bromsgrove**.

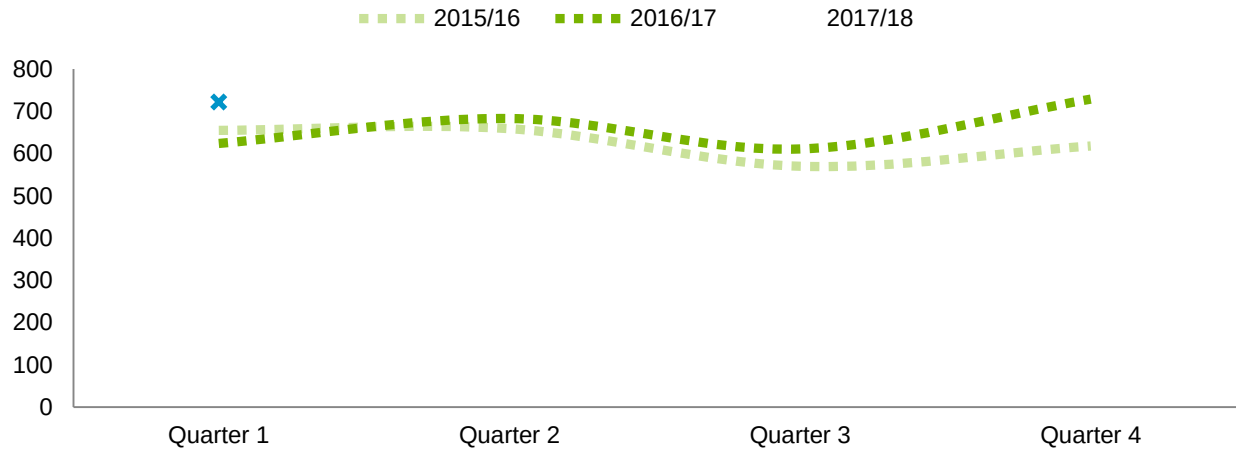
Note: The charts (below) show the total number of cases recorded against each of the main functions undertaken by WRS. Whilst the totals for 2015/16 and 2016/17 reflect the entire financial year, the total for 2017/18 is a 'year to date' figure and will continue to increase each quarter until the end of year report is published.

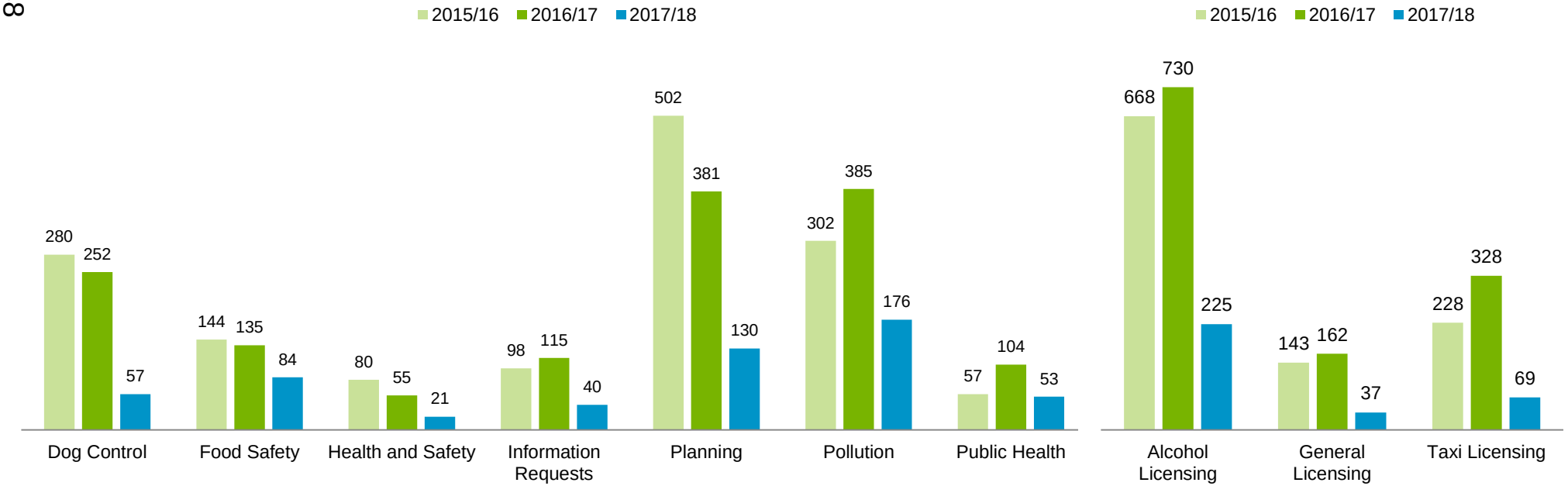




The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Malvern Hills**.

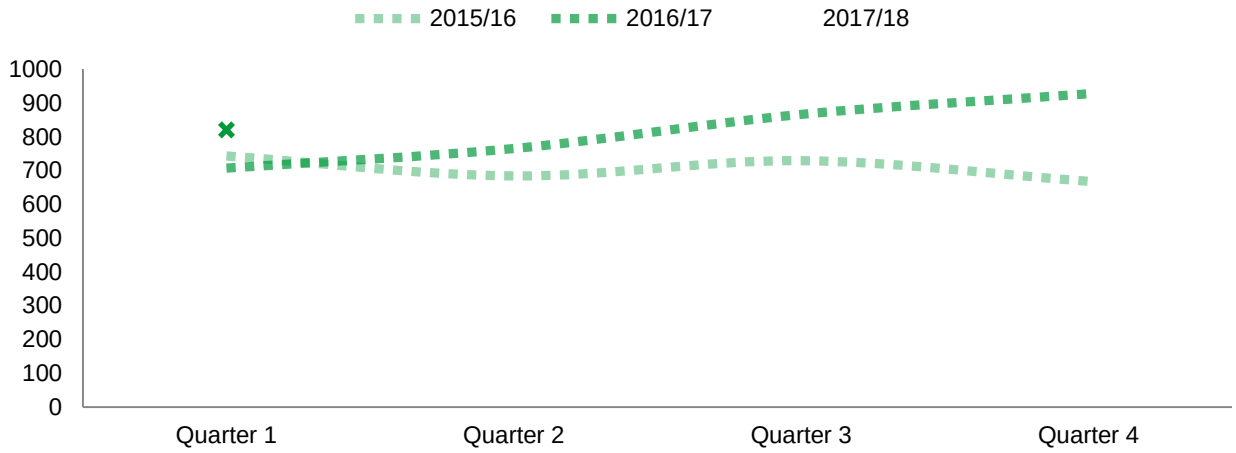
Note: The charts (below) show the total number of cases recorded against each of the main functions undertaken by WRS. Whilst the totals for 2015/16 and 2016/17 reflect the entire financial year, the total for 2017/18 is a 'year to date' figure and will continue to increase each quarter until the end of year report is published.

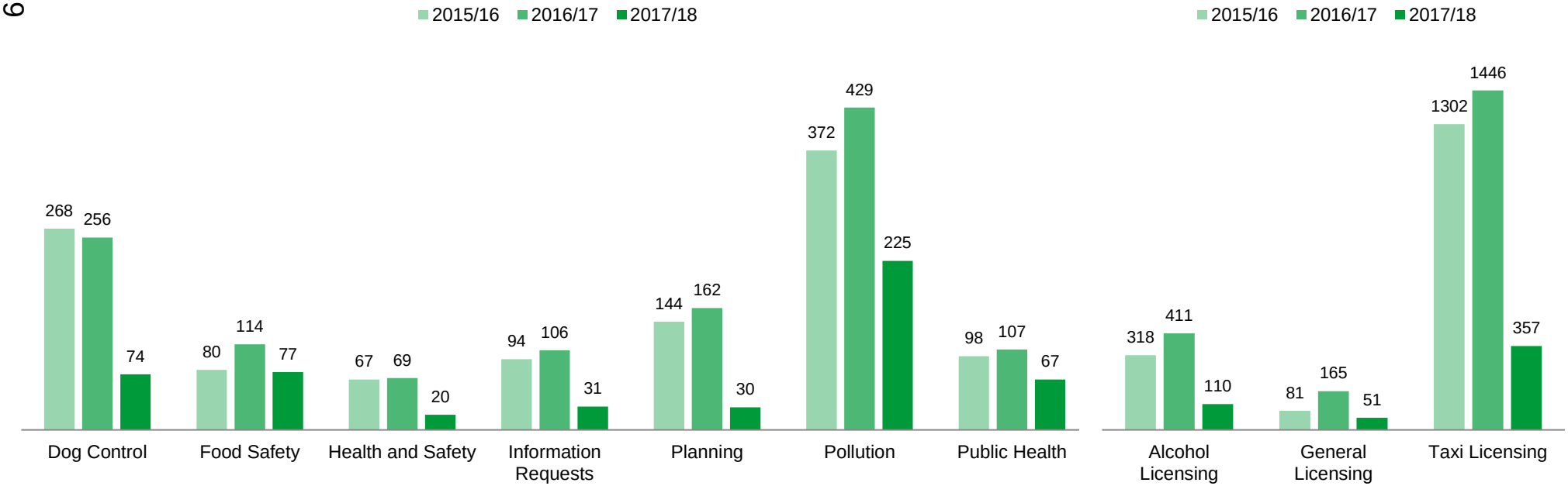




The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Redditch**.

Note: The charts (below) show the total number of cases recorded against each of the main functions undertaken by WRS. Whilst the totals for 2015/16 and 2016/17 reflect the entire financial year, the total for 2017/18 is a 'year to date' figure and will continue to increase each quarter until the end of year report is published.





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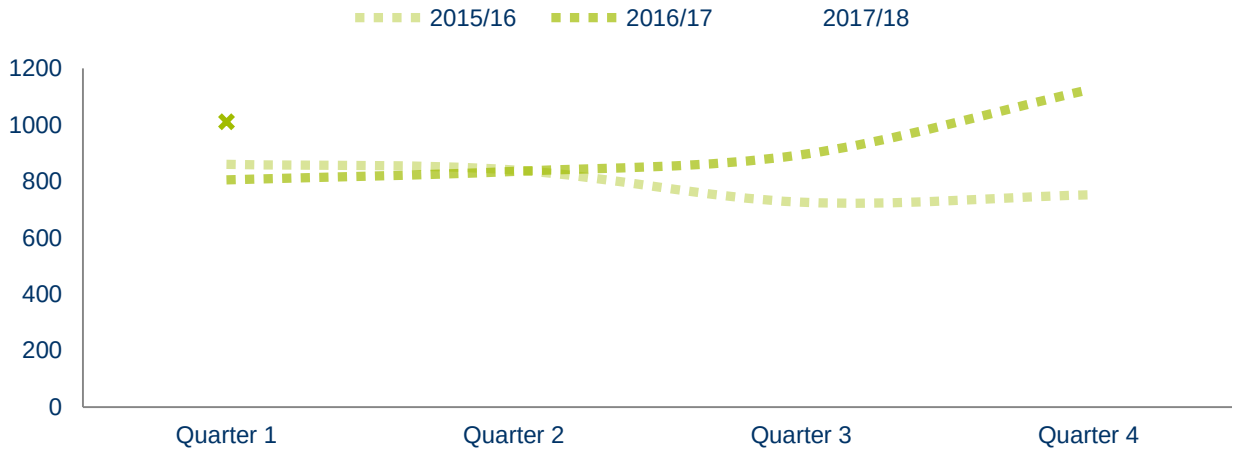

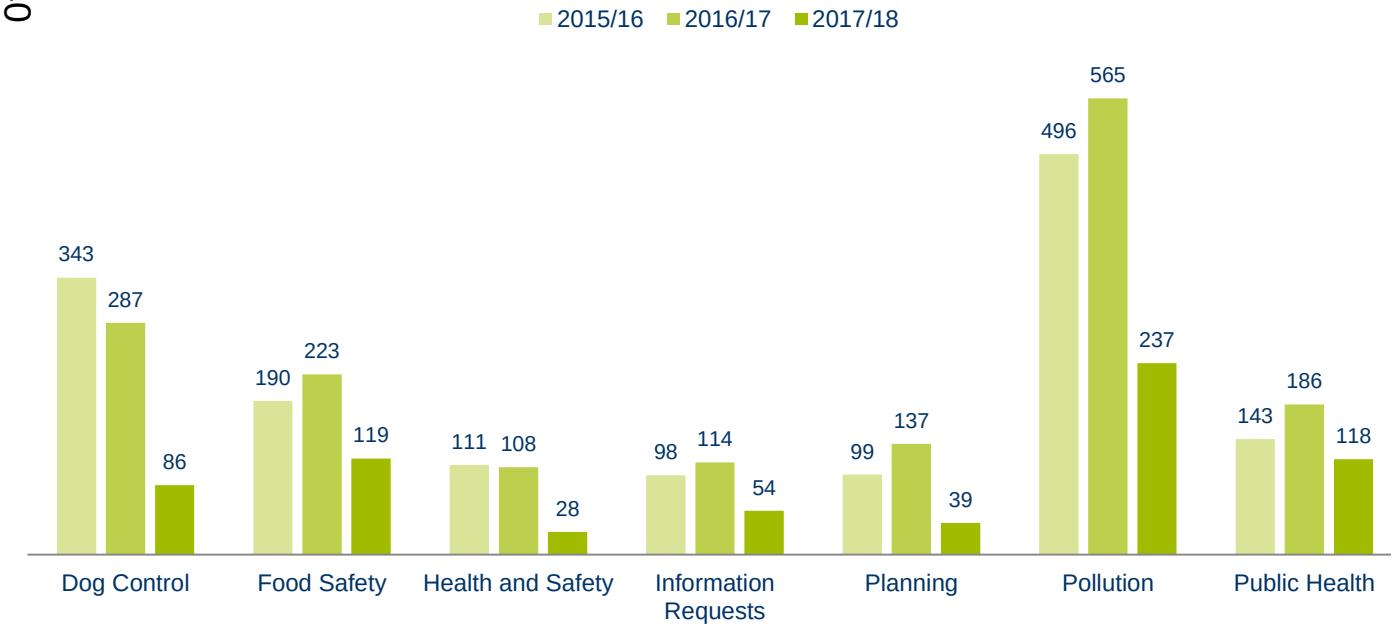

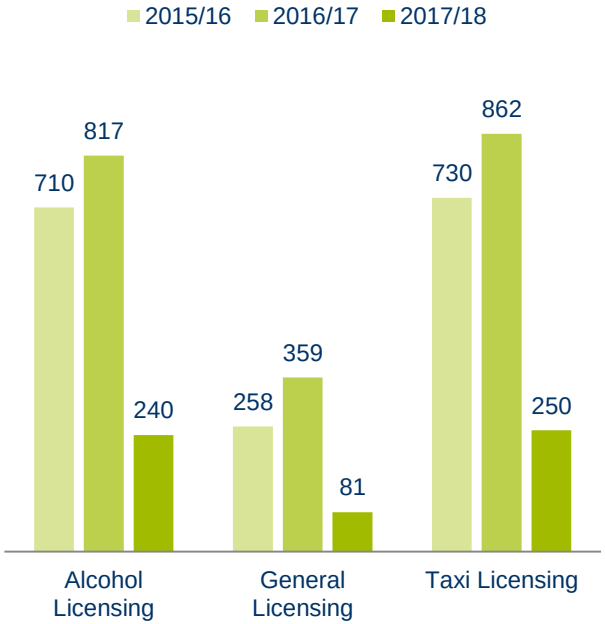

WYCHAVON DISTRICT COUNCIL
good services, good value

The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Wychavon**.

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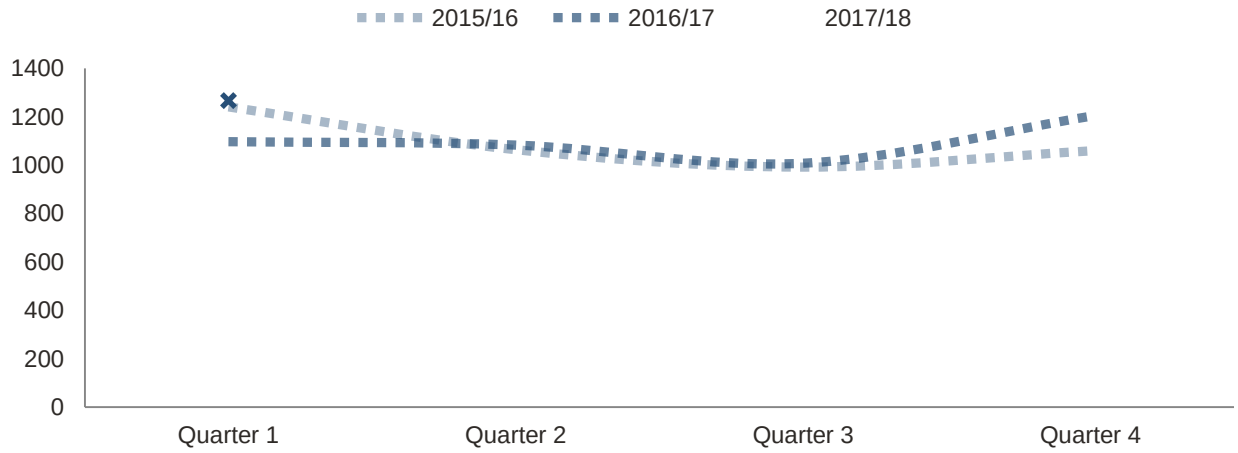

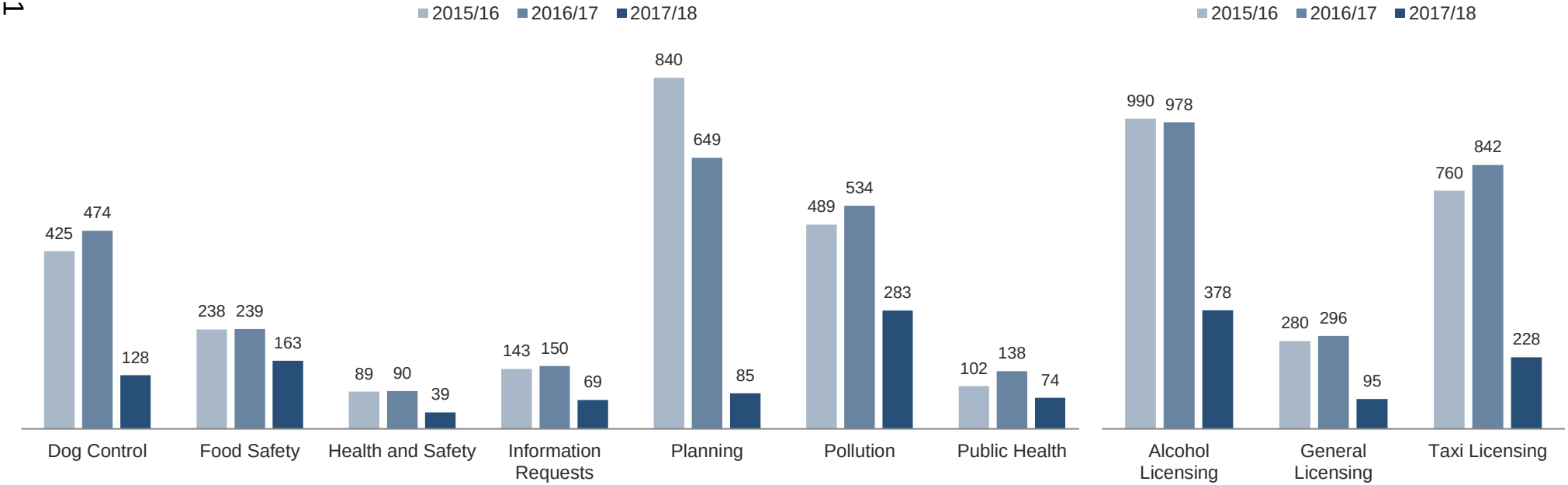

Wyre Forest District Council

The data on this page relates to **Environmental Health** and **Licensing** complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of **Wyre Forest**.

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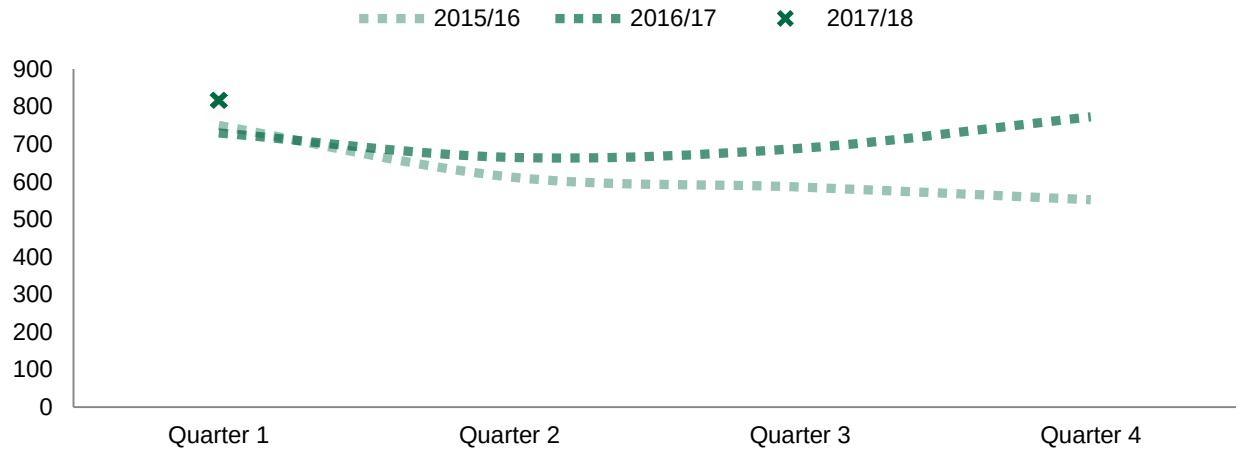
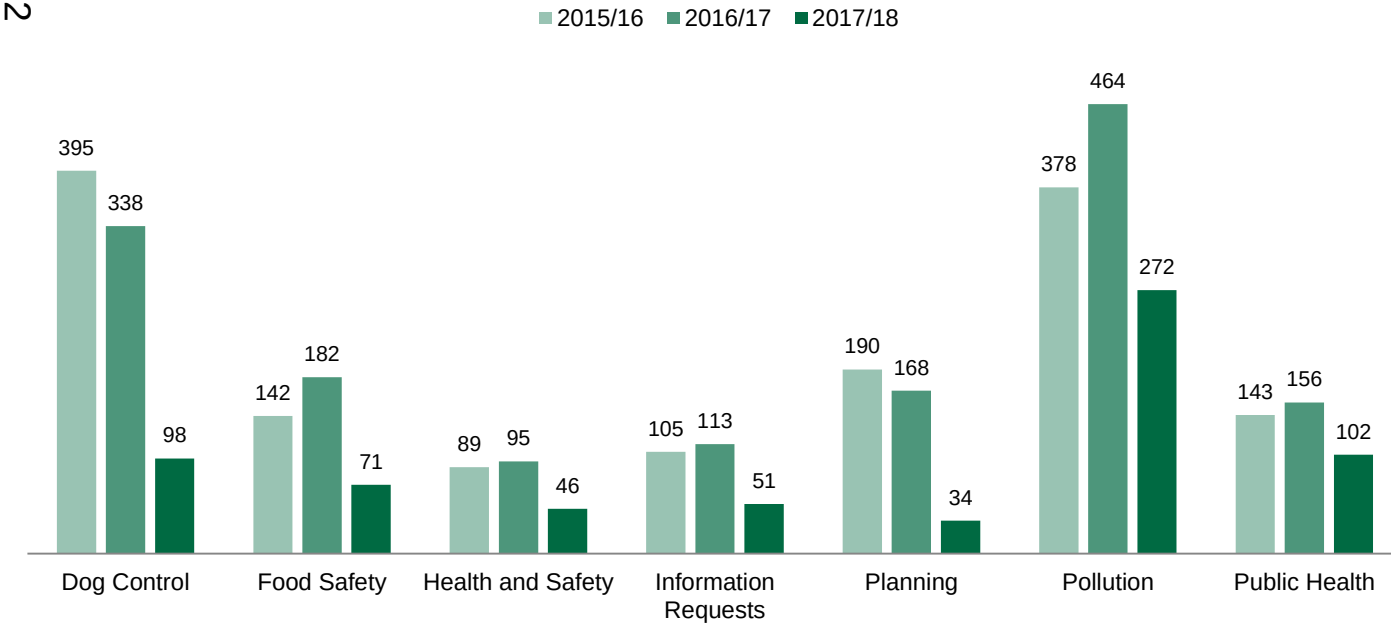
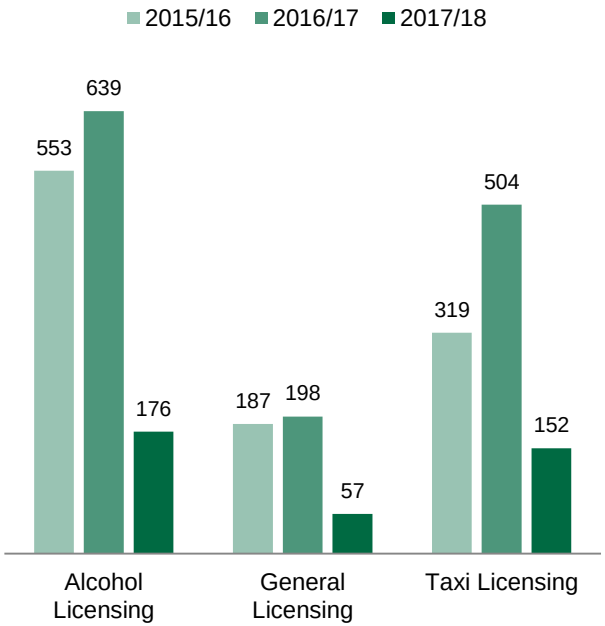




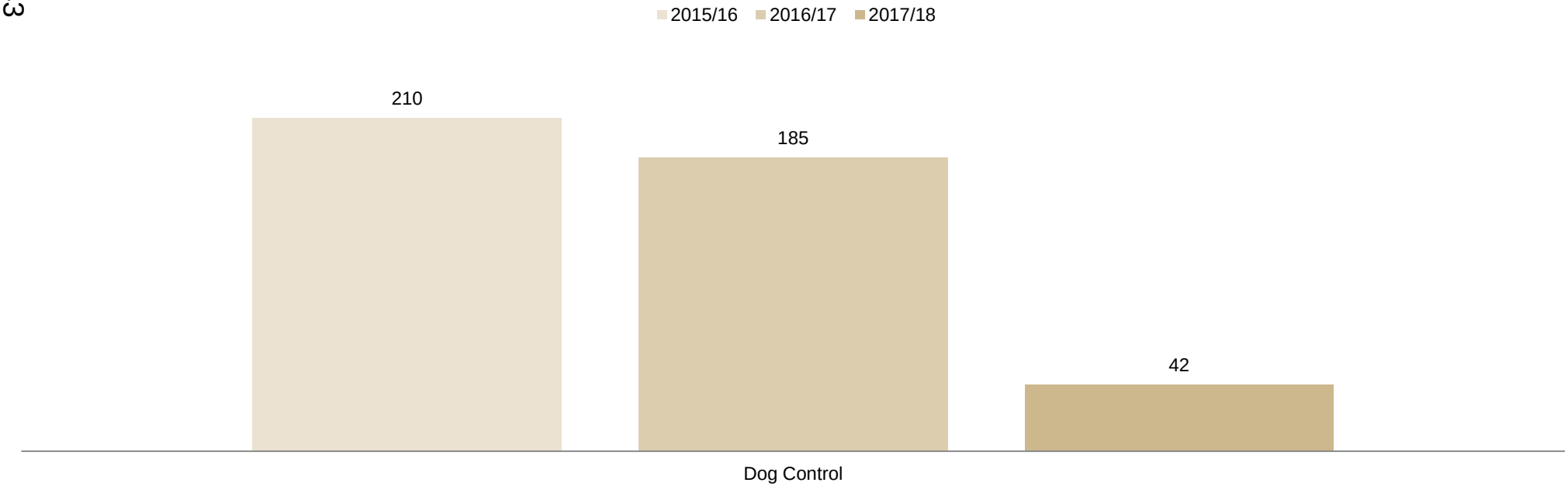


Cheltenham Borough Council

The dog control work WRS undertake for Cheltenham Borough Council is part of a three year contract with two other Gloucestershire authorities (from 2017) to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was renewed following delivery by WRS for the previous 3 years and has been highly successful in reducing stray dog numbers for Cheltenham Borough Council, 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 as is consistent with trends in Worcestershire.

Note: The chart (below) show the total number of cases recorded against the function undertaken by WRS. Whilst the totals for 2015/16 and 2016/17 reflect the entire financial year, the total for 2017/18 is a 'year to date' figure and will continue to increase each quarter until the end of year report is published.



Gloucester City Council

The dog control work WRS undertake for Gloucester City Council is part of a three year contract with two other Gloucestershire authorities (from 2017) to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was renewed following delivery by WRS for the previous 3 years and has been highly successful in reducing stray dog numbers for Gloucester City Council, 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. The number presented here shows the numbers in 2015/16 were particularly low. Gloucester City changed their procedures during that year whereas previously dogs were automatically returned to owners for free where the owner could be easily identified and found. Only where this could not be done were the dogs recorded as strays and passed to WRS. It is anticipated that this year numbers of stray dogs will be lower than last year's high and will continue to drop as the message gets about that it costs to get your dog back if you let it stray and those owners who refused to pay had their dogs rehomed. Unlike Worcestershire, for Gloucester City Environmental Information requests are lower than previous years, although requests for advice on Planning Consultations (for Contaminated Land) are higher than previous years. In addition to the above we also undertake some Environmental Permitting work for Gloucester that is part of their ongoing inspection programme. During this period WRS continued to provide advice and assistance with a Metal Processing facility that presented significant noise and odour issues to local residents as well as a number of permit renewals.

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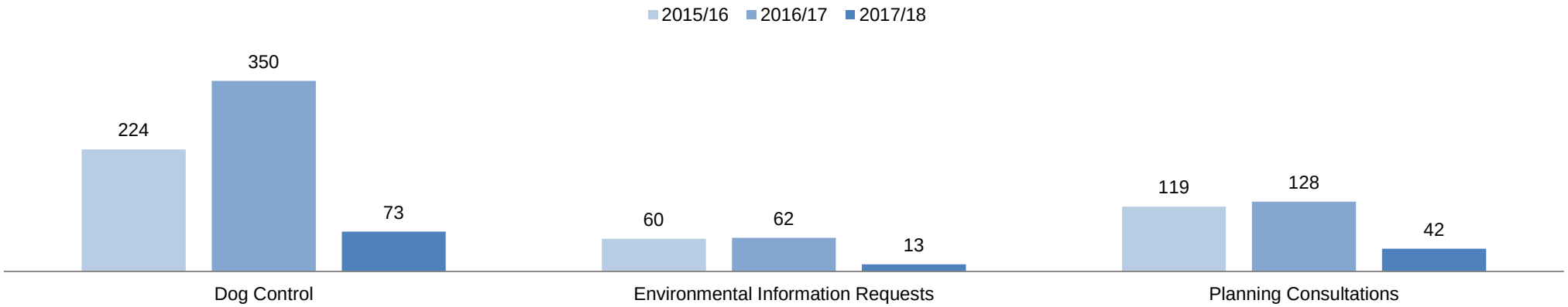

South Gloucestershire Council

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 (and lower than last year) they continue to be time consuming and complex. The expertise the Partner Authorities pooled with the formation of WRS has enabled us to provide a high standard of service during this period.

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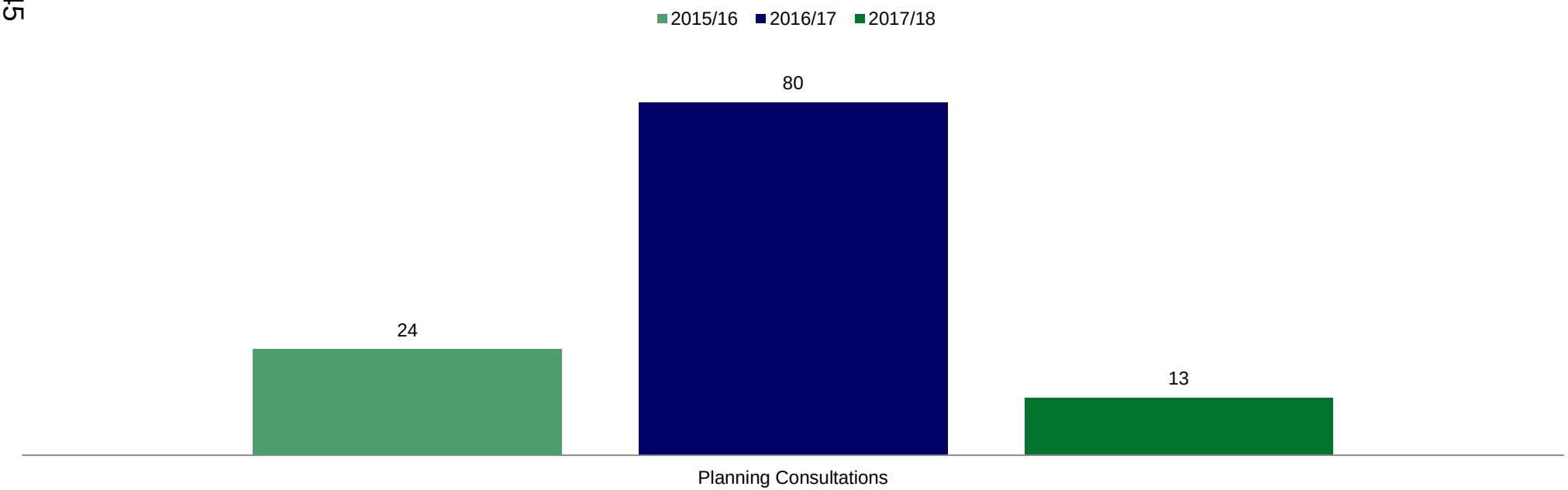

Tewkesbury Borough Council

The dog control work WRS undertake for Tewkesbury Borough Council is part of a three year contract with two other Gloucestershire authorities (from 2017) to deliver the collection, kennelling, returning of dogs to owners and rehoming of stray dog functions. The contract was renewed following delivery by WRS for the previous 3 years and has been highly successful in reducing stray dog numbers for Tewkesbury Borough Council, 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. Whilst it should be acknowledged that we are only in quarter one, the number of dogs collected or reported as strays are significantly lower than previous years. This follows the national trend in dogs being reported to Dog Wardens as discussed previously. The number of planning applications that WRS are requested to provide nuisance or air quality advice on continue to be high. If the current numbers referred to WRS continue at this rate, it will be far higher than last year at 344 applications.

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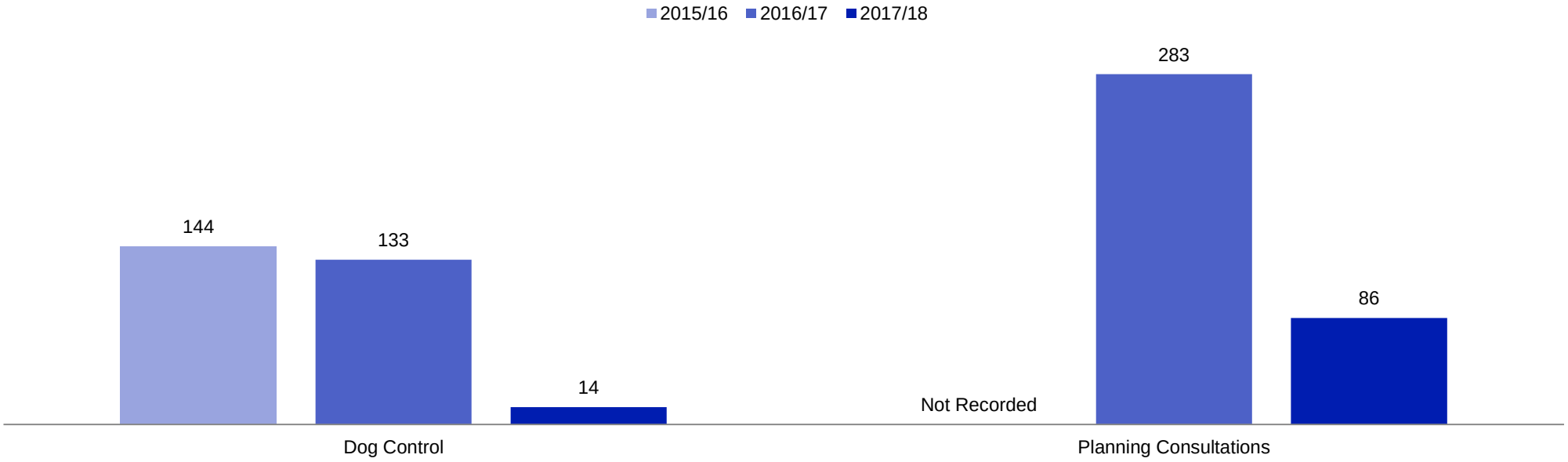

Worcestershire
Regulatory Services
Supporting and protecting you

WRS Board: 5th October 2017

Information Report – Air Quality Update 2017

Recommendation

That the Board notes the Report and that Members use the contents of the information provided in their own reporting back to fellow Members of the partner authorities.

Background

District Council's have a duty to review and assess local air quality within their districts against a set of health based objectives. Under EU Directives the UK was required to comply with those objectives by 2015 and Defra has published the National Action Plan to demonstrate to the EU how it intends to comply.

Contribution to Priorities

Board Members requested an update on air quality following recent national developments such as Defra's Air Quality Action Plan.

Report

Local Air Quality Management

The Local Air Quality Management process (LAQM) is the Local Authority role with air quality. That is set out in Part IV of the Environment Act 1995 and subsequent Technical Guidance and Policy documents. There are a number of health based objectives for pollutants but for Worcestershire it is nitrogen dioxide which is the pollutant of concern. The objectives for that pollutant are an annual average of 40 microgrammes per metre cubed for a residential property or school and a one-hour average of 200 microgrammes per metre cubed for a property where someone would realistically spend an hour, such as outdoor seating of a café or a playground. WRS reports annually to Defra on behalf of all Districts on the current situation.

Where a breach of the objective is identified there is a requirement for the Local Authority to declare an Air Quality Management Area (AQMA). WRS monitors air quality around the district and were an area of concern is identified an assessment is carried out. Following declaration, there is a requirement to produce an action plan and update that plan with progress and report to Defra annually.

There are currently 10 AQMAs in Worcestershire and a Countywide Air Quality Action Plan covering all except one of these. The focus of recent Defra Guidance to Local Authorities has been aimed at delivering the

measures to improve air quality included in their local Action Plans.

DEFRA's Action Plan & legal challenge by ClientEarth

In 2015 Defra produced a national Action Plan aimed at showing how the UK was to comply with the European Directive in as short as possible timeframe. In that Plan six areas were required to put in place Clean Air Zones (CAZ); these were London, Birmingham, Leeds, Southampton, Derby and Nottingham. Some will be aware of ClientEarth's successful challenge of the Government's plans due to their failure to implement them. The current version of the Action Plan was published in July by the Government.

The current Action Plan focuses on implementation of CAZs in an additional 29 other authorities (not including Worcestershire authorities). It requires all local authorities to ensure compliance of air quality standards as quickly as possible with a suggestion that this should be 3-4 years. When a local authority introduces a CAZ (whether because it is required to or decides to) the Action Plan is clear that any other measures should be considered in preference, followed by considering non-charging CAZ prior to considering a charging CAZs. When introducing a CAZ, the minimum number of groups to restrict should be considered in in the following order; restricting buses, then taxis, HGVs, LGVs and diesel cars. Funding streams available for implementation of CAZs and other measures are referred to in the Action Plan but are likely to be awarded in preference to local authorities specified in the Action Plans or where Low Emission Strategies are in place.

It is difficult to predict when the Worcestershire authorities may meet compliance with the National Objective (such that there is no longer a requirement for an Air Quality Management Area). For some AQMAs the trend is downwards but for other areas the situation is deteriorating and compliance is unlikely in the next 5 years without intervention.

Local Update

Annual monitoring data for 2016 has been published on the WRS website but the following summaries the results and current situation.

Bromsgrove: In Worcester Road and Lickey End AQMAs the levels of Nitrogen Dioxide remain consistently high. For Redditch Road AQMA results are consistent, with two monitoring locations just above the National Objective for the last two years. This is believed to represent only two properties at risk. Little progress has been made with Action Plan measures to date although discussions continue with implementation of enhancements along the A38 corridor.

In Hagley we have had over three years with no exceedance of the National Objective and as a consequence WRS have commenced a detailed study which will form the supporting technical information for

presentation to the Council for revocation of the AQMA.

Malvern Hills: The levels of nitrogen dioxide in the District remain very low. Upton upon Severn High Street was the only area that previously gave us concern but that has remained low.

Redditch: The levels of nitrogen dioxide in Redditch remain very low as a result of the foresight of well planned housing and road layouts. Other Road is the only area of concern but is consistently just beneath the National Objective.

Worcester City: The City currently has three AQMAs (Dolday, Lowesmoor/Rainbow Hill and St John's). Assessments this year have confirmed exceedance of the National Objective on London Road and Foregate Street/The Butts/The Tything. The City Council have an opportunity to consider whether to incorporate all the existing AQMAs into one or declare two new ones alongside those in existence. WRS hope to have a selection of options for Committee in December 2017.

Little or no progress has been made with the current measures identified in the Local Action Plan and WRS are to assist a Member led Task & Finish Group in identifying what measures may be suitable to consider further. Following this and Committee consideration it is hoped WRS will be able to redraft the Worcester City Action Plan section to incorporate St Johns, any new areas and include a range of measures that the City wish to progress.

Wychavon: There are two very different trends occurring in opposite ends of the District. In the Port Street AQMA there has not been an exceedance of the National Objective since 2013 and with three years of data confirming this, WRS are working on a detailed study which will form the supporting technical information for presentation to the Council for revocation of the AQMA. It is hoped this will be ready for Executive Board on 13th November 2017.

A detailed assessment has been completed in Wychbold, including dispersion modelling to establish the extent of the exceedance spatially to establish the minimum extent required to be declared as an AQMA. Measurements of nitrogen dioxide have been monitored for a number of years and sufficient evidence now exists to make recommendations to the Executive Board in November on the AQMA boundary options available. Whilst the M5 carriageway and slip road are influencing factors in terms of background levels they are not the main source of pollution along Worcester Road. As reported previously discussions continue to ensure any enhancements along the A38 corridor to the north benefit this location as well.

Wyre Forest: Little progress has been possible with the action plan measures for Welchgate, Bewdley AQMA. However significant assistance has been given to Development Control in ensuring they have sufficient advice to support decisions around significant

proposals to ensure they do not have a detrimental effect on air quality in this location.

The situation is similar for Horsefair AQMA, Kidderminster with support provided in progression of the Churchfields Masterplan measure from the action plan. As part of this a source apportionment exercise was undertaken for a section of the AQMA to establish the source of the pollution that causes it to exceed the National Objective.

Stourport High Street has previously been considered an area of concern, however following regression of monitoring results back to relevant receptors we are confident there are no exceedances here. Where monitoring locations are on lampposts or on the façade of non-residential properties at ground floor a calculation is made to adjust the measurement (in line with Defra guidance) to establish the likely exposure at a residential dwelling's window, be that either a horizontal regression from the road or vertically to a first floor residential receptor.

The situation in Comberton Hill, Kidderminster is continuing to be monitored closely however as several locations have exceeded the National Objective in 2 out of the last 4 years.

Reporting

WRS hope to complete the 2017 reporting requirements before the end of the financial year with focus then on updating and progression of the Action Plan measures.

Contact Points

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Background Papers

Defra & DfT 'UK Plan for tackling Roadside nitrogen dioxide Concentrations: An Overview' July 2017.
https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017

WRS 2016 Air Quality Action Plan Update
http://www.worcsregservices.gov.uk/media/2294583/WRS-AQAP-Progress-Report-2015-16.pdf

Worcestershire
Regulatory Services
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WRS BOARD

5th October 2017
Food Standards Agency Audit 2017

Recommendation	That Members note the report
Introduction	The Food Standards Agency is the national competent body for food law enforcement in England. Similar bodies operate in the devolved administration areas. The Agency came into being in the early 1990s following a number of food scares in the late 1980s. Unlike many national regulators, the Agency has always had a limited role in actually enforcing the law. Its main roles have been the promotion of better standards in the food industry and the oversight of local authorities which deal with food law enforcement in their areas. In two tier areas, food law enforcement is split between the County Council (food composition/ labelling and animal feed,) and district councils (food hygiene/ safety.) All local food authorities must make an annual data return to the Agency on their activities. The Agency then uses this data to report back to the EU on food law enforcement, effectively being required to demonstrate that UK enforcement is meeting the requirements of the relevant harmonised EU directives. It also undertakes routine audits of activity being undertaken by local authorities. These can be focused on particular areas of activity or they can cover the whole range of work undertaken by an authority. This is the first time that any WRS food activity has been subject to the audit process. When WRS was developing its Systems Thinking approach, the then Head of Service met with the Agency and the service was given some leeway to explore new approaches and time to get its new database system in place and functioning. This resulted in the service

not being subject to audit until now.

Report

Two auditors from the Food Standards Agency visited the service on 24th and 25th May 2017. Their focus was on the broad delivery of food hygiene interventions by the service on behalf of Wyre Forest District Council. The Agency can only audit against individual local authorities, it cannot audit the service as a whole. We were however, able to reference work for other partners where we had not done a particular activity on behalf of Wyre Forest, which was helpful in demonstrating the broad competence of the service.

Over the two days, the auditors worked with the Food Lead Officer for the service and the Database Administrator to review records of inspection and sampling activities. They seemed very impressed with the levels of reporting that we were generating from the system. Officer training records were reviewed to ensure that the competency requirements were being addressed. Officer authorisation processes and the scheme of delegation was also part of the review process. The Community Environmental Health Manager was also engaged with the process and the Head of Service was present for the initial and closing meetings on each day, demonstrating to the Agency the seriousness with which we take these matters.

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

They noted the section in the latest Business Plan document which indicated that the service was operating at close to the minimum numbers required to deliver services and they were pleased that this had been flagged to members and that members appeared to have acknowledged this.

They did however make a number of key areas for improvement that the service has already begun to resolve. There were:

1. The service had a number of overdue, lower risk food hygiene interventions outstanding for Wyre Forest and, whilst these were generally at lower risk previously compliant businesses, they did include a number of businesses in the catering sector potentially involved with serving vulnerable groups.

These have already been reviewed and assessed by the Food Lead Officer. Those that need to be visited have been programmed for an inspection.

This part of the audit highlighted some of the issues with the data transferred from the previous systems with some very old premises data which had been missed, so a wider review of the database has been undertaken and similar premises identified in other partner areas have also been programmed for inspection.

2. The service should review and expand its service planning document to include details of any overdue or unrated interventions.

In our service plan we have never provided this level of detail for members, in effect giving a number of inspections due, number of premises which are overdue and part of the inspection regime and the numbers of unrated premises (i.e. new food businesses that have registered and have yet to be visited or rated. It is proposed that we do this for the service plan in 2018/19.

3. Although the service had recently carried out a range of internal monitoring activity across some sections of the Service, the focus has tended to be on quantitative monitoring with qualitative monitoring being more ad-hoc. The service needs to ensure that qualitative monitoring of all service activities is considered in a more programmed way to compliment the quantitative approach being undertaken.

The auditors recommended a more risk based approach to monitoring and that managers should factor in time during service planning to account for this.

The Food Lead Officer is in the process of documenting the current approach to qualitative monitoring and will develop a fuller programme to be included in the 2018/19 service plan.

Other actions that have resulted from the audit include updates to our Operating Principles document covering:

- How we document decisions on what to authorise officers to enforce and how we link officer authorisation to competence through our management control processes,
- Including some references to the Food Law Code of Practice in the Operating Principles documentation to help officers to see the links between the two,
- An updated inspection form to make it easier for officer's to record all areas that they have reviewed during interventions. This is relatively simple as we

already have a very thorough form that we use for newly registered premises on their first intervention.

These are relatively straight forward updates and have no impact on what we do. It simply brings us into line with best practice.

Overall, we are pleased with the outcome of the audit. The officers involved were all concerned as the Systems Thinking approach meant a rationalisation and streamlining of the service's approach to food interventions, taking us outside of the letter of the Code of Practice. However, the auditors engaged with the team in a positive way and were very positive about the more modern approach that the service was taking.

No areas of significant concern were identified and the actions recommended are relatively straightforward to put in place. The issue of the small number of overdue catering premises highlighted the failings in some of very old data and this has helped us to identify what to review. The numbers of overdue premises did not cause great concern to the auditors.

The Food Standards Agency are currently looking to radically change the way food law enforcement is undertaken through its "Regulating the Future," review and it seems clear that the approach to these activities being used by WRS falls in line with the new approach being developed by the Agency. So, yet again the Worcestershire authorities are ahead of the curve in innovation in relation to delivery.

Financial Implications

None

Contact Points

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Background Papers

None