

**WORCESTERSHIRE DISTRICT COUNCILS**

**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD**

**THURSDAY, 21ST JUNE 2018, AT 4.34 P.M.**

PRESENT: Councillors R. J. Laight, P. J. Whittaker, B. Behan, G. Prosser, A. Feeney, J. Squires, M. King, E. Stokes, J. Baker and J. Smith

**Partner Officers:** Ms. A. Davey, Worcester City Council, Mr. V. Allison, Wychavon District Council and Mr. P. Merrick, Malvern Hills District

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

Councillor E. Stokes, Wychavon District Council informed Members that Councillors J. Baker and J. Smith, Wyre Forest District Council would have to leave the meeting at 5:30 p.m., as they were both due to attend two further meetings, with the first meeting commencing at 6:15 p.m.

Councillor Stokes requested that Members were mindful of the time and that if the meeting had not concluded by 5:30 p.m. the meeting would not be quorate, and that any agenda items not covered during the course of the meeting would be presented to the next meeting of the Board. It was recognised that the majority of the reports to be presented to the Board were for noting.

1/18

**ELECTION OF CHAIRMAN**

A nomination for Chairman was received in respect of Councillor R. J. Laight, Bromsgrove District Council.

**RESOLVED** that Councillor R. J. Laight, Bromsgrove District Council be elected as Chairman for the ensuing municipal year.

The Chairman took the opportunity to express sincere thanks to Councillor E. Stokes, Wychavon District Council, for her support and contribution as the previous Chairman of the Worcestershire Regulatory Services Board.

The Chairman took the opportunity to welcome Members and nominated officers to the meeting of the Board.

2/18

**ELECTION OF VICE-CHAIRMAN**

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

**RESOLVED** that Councillor G. Prosser, Redditch Borough Council be elected as Vice-Chairman for the ensuing municipal year.

3/18

**APOLOGIES**

Apologies for absence were received from Councillors J. Fisher and P. Witherspoon (substitute Member for Councillor J. Fisher), Redditch Borough Council.

Apologies for absence were also received from Mr. M. Parker, Wyre Forest District Council and Jayne Pickering, Bromsgrove District and Redditch Borough Councils.

4/18

**DECLARATIONS OF INTEREST**

No declarations of interest were received.

5/18

**MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 15th February 2018 were submitted.

**RESOLVED** that the minutes of the Worcestershire Regulatory Services Board held on 15th February 2018 be approved as a correct record.

6/18

**PREVIOUS CHAIRMAN'S REPORT**

Councillor E. Stokes, Wychavon District Council, presented her report which gave an overview of the highlights of the Board from 1st April 2017 to 31st March 2018.

Councillor Stokes took the opportunity to congratulate the newly elected Chairman and Vice-Chairman and stated that she had hoped that they both enjoyed their new roles. She would suggest that they listened to the professional officers and took note of how well WRS was received by local businesses and customers.

Councillor Stokes expressed her sincere thanks to the Head of Regulatory Services and WRS officers; and in doing so added that the information reports that officers had produced throughout the year had proved informative and really useful. They gave Members a better understanding of the day to day work of WRS and the issues faced by officers in trying to protect the public. The information reports needed to sit alongside the strategic performances and financial reports.

Councillor Stokes also expressed her sincere thanks to all Board Members for their support during her role as Chairman of the Board.

**RESOLVED** that Members note the report, as presented by Councillor E. Stokes, Chairman of the Worcestershire Regulatory Services Board for the municipal year 2017/2018.

7/18

**WORCESTERSHIRE REGULATORY SERVICES REVENUE  
MONITORING APRIL - MARCH 2018 & ANNUAL RETURN**

The Board considered a report which detailed the financial position for the period 1st April to 31st March 2018 and the Annual Return.

The Financial Services Manager, 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 to 31st March 2018.

Members were informed that the Annual Return was detailed at Appendix 2 to the report.

The Financial Services Manager, BDC, drew Members' attention to Appendix 1 to the report, which detailed the final outturn refund due to partner authorities of £57,000. This was mainly due to agency staff required to cover vacant posts, maternity leave etc. which was lower than actual salary savings.

WRS Managers had set themselves an income budget target of £254,000 for 2017/2018. But through hard work and the successes achieved by WRS, the total income generated from all sources including additional spends by partners was £325,000.

Appendix 5 to the report detailed the Total Earmark Reserves of £287k and Total Earmark Reserve and Conditional Reserve of £312k.

**RESOLVED:**

- (a) that the final financial position for the period 1st April to 31st March 2018 be noted; and
- (b) that the refund of the 2017/2018 of £57,000 to the participating Councils be approved as follows:

<b>Council</b>	<b>Refund from 2017/2018 £'000</b>
Bromsgrove	8
Malvern Hills	7
Redditch	10
City of Worcester	10
Wychavon	13
Wyre Forest	9
	57

## **ACTIVITY & 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, 2017/2018.

The Licensing and Support Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that the total number of interventions at premises for food safety across the County for the year was 1,332. A high proportion (97.6%) of these premises in all districts was broadly compliant, indicating that the vast majority of food businesses were well run.

The number of health and safety complaints and enquiries fell in the fourth quarter such that demand was lower than in previous years through February and March. Health and safety activity continued to be intelligence led and the high level of enforcement activity continued. Investigations this financial year included a fatality which resulted in a custodial sentence. In addition a number of serious cases were also investigated.

The number of accident reports rose in Quarter 4, but overall had remained slightly lower than in the previous two years.

The poor weather in Quarter 4 kept nuisance complaints at a relatively low level. The team investigated 2,387 nuisance complaints in 2017/2018 covering light, noise, odour and smoke. 1,739 of these related to noise nuisance which placed the greatest demand on the service.

A special edition of the Members' Eye Bulletin was produced to help Members to better understand the legal basis for their respective authority's activities in relation to statutory nuisance and to explain where WRS had to draw the line in relation to their investigative activities.

As air quality continued to steal the headlines nationally, local air quality continued to be of importance. Following several detailed investigations in Worcester City, the decision was taken in January to declare the political boundary of the city as an air quality management area. In similar circumstances Wychavon District Council had decided to declare a significant part of Wychbold (along the A38 and M5) as an air quality management area. Both declarations were due to exceedances of Nitrogen Dioxide caused by road traffic.

The Licensing and Support Services Manager, WRS, provided Members with additional air quality updates as detailed on page 32 of the main agenda pack.

Members were further informed that WRS had received a series of permit applications over the year with several from waste management

companies in relation to Small Waste Incineration Plant (SWIP). It was believed that changes in the waste industry had instigated the need for companies to dispose of certain waste streams (waste wood) through the process of incineration as export to non EU countries had now become unviable. Because of the economies of scale created by WRS, this had enabled the retention of significant officer resource and knowledge in these highly technical areas. WRS was regarded by the Environment Agency and others as the leading local authority regulatory service in this sector in the UK. The team had worked with the Environment Agency to provide guidance nationally to other authorities.

Businesses' interest in primary authority relationships continued to grow in this sector and WRS were in the process of finalising formal partnerships with CEMEX and Weinberger. This would make WRS a provider of assured advice to two international companies with multiple sites and major investments in the UK with work scheduled to commence on the 1st May 2018, a first for the minerals sector.

The cumulative number of sick days per staff member was 12.45 days per FTE (Full Time Equivalent) which was double the figure for the previous year, which was 5.95 days per FTE. The Licensing and Support Services Manager, WRS, explained that all members of staff who recorded sickness had been grouped by the total number of sick days recorded during the year, as detailed on page 33 of the main agenda pack. Nine members of staff fell into the group taking 21 days or more sick-leave during the year. Three members of staff required significant surgery; three members of staff had been suffering from stress due to either domestic issues exacerbated by the pressures of work or issues that had occurred at work. A further two had chronic medical conditions that meant they were likely to have more than the average number of sickness days. One staff member had been through the 4 stage process for dealing with sickness absence and had been dismissed on capability grounds.

Of the three officers with stress related issues, one had returned to full-time work, one had opted to take early retirement and the third officer was in discussion with their Team Manager and Senior Practitioner about their future. The two officers with long-term chronic conditions had been to see occupational health and the service was making adjustments to help them to avoid some of the issues that could exacerbate their conditions.

A significant proportion of the illnesses between 5 and 10 days occurred from October onwards and was due to the influenza virus that went through the teams over the winter period.

In response to this difficult year, Team Managers had been asked to review the records and identify those officers who had hit the intervention trigger in the sickness policy and to speak with them informally about their record, unless the trigger was caused by a single bout of influenza. The Bromsgrove District Council (BDC) Sickness

Absence Policy for Employees had two potential trigger points for a rolling 6 month period.

The Head of Regulatory Services, WRS, had arranged for a regular HR presence from BDC at Wyre Forest and each Team Manager would meet with the HR officer on a monthly basis to look at any HR issues including sickness related ones, particularly those hitting the trigger point.

The Licensing and Support Services Manager, WRS, continued and informed the Board that, with regard to income generation, the total income generated was £325,000, which expressed as a percentage of district revenue budget (2017/2018) was at a very healthy 10.7%. In summary, with the exception of sickness, performance overall had been maintained and was broadly comparable with the previous year.

The Chairman thanked the Licensing and Support Services Manager, WRS, and commented that it was an excellent report.

The Head of Regulatory Services, WRS, added that they were labouring under no illusions that the levels of sickness for 2017/2018 were extraordinary compared to previous years and he had recognised that he needed to do something about it. Managers had now put a system in place to ensure that this did not happen again.

In response to Members' questions, the Head of Regulatory Services, WRS, informed the Board that, the BDC Sickness Policy for Employees had an "Informal Action – Meeting" to consider the particular circumstances, if there was pattern or cause for concern. The informal meeting enabled discussions to ensure that there were no particular work issues that had caused their sickness, to inform staff that whilst they were not at work it could create pressure on their colleagues; and also to determine if there was anything that officers could put in place to help them. A record of the "Informal Action – Meeting" would be kept.

In response to questions from Members, the Technical Services Manager, WRS, informed the Board that he was unable to answer as to why the export of waste to non EU countries had now become unviable, resulting in the growth in incineration activity. However, he would reassure Members that a lot of work had been carried out in conjunction with the Environment Agency to check that the right waste was going to the right incineration plant. It was a complex area, so officers had tried to sort out the best way to deal with this and in doing so, had produced a flow chart with the Environment Agency detailing what waste goes where and this would assist other local authorities in dealing with issues in their areas. Officers had received positive feedback from the Environment Agency for this. Two investigative operations had been conducted and this had proved to be a really useful exercise. The information from those investigations was then used to feed into the WRS intelligence system.

**RESOLVED** that the Activity and Performance Data report for Quarters 1, 2, 3 and 4, 2017/2018 be noted.

9/18

## **WORCESTERSHIRE REGULATORY SERVICES STAFF SURVEY RESULTS**

The Board was asked consider a report that detailed the Worcestershire Regulatory Services, Staff Survey Results.

The Head of Regulatory Services, Worcestershire Regulatory Services (WRS), introduced the report and informed the Board that historically one of the performance indicators reported to Members had been the satisfaction of staff working at WRS.

In previous years, this had been generated by an in-house survey and had yielded various results over the years, but had generally shown reasonable levels of satisfaction with working for WRS. The internal survey had also helped identify a number of ways to support staff in certain areas, by responding to feedback in the survey where it was appropriate.

This year Redditch Borough Council and Bromsgrove District Council had chosen to employ an external consultancy to undertake its staff survey and the Chief Executive had offered WRS the facility since WRS staff were all employees of Bromsgrove District Council.

The Head of Regulatory Services, WRS, felt that this would provide a good opportunity to try something different and to get a professional analysis of the results. WRS had limited influence over the questions being asked as there was a set framework that the consultancy company used. Therefore the results could not be compared with the previous surveys conducted.

However, having an independent review ensured that no unintended bias in the results could be reported, so on balance it was felt that this exercise could helpfully replace the normal performance indicator at least for this year. The feedback received from the Management Team was that staff were pleased that it had been done externally.

The Head of Regulatory Services, WRS, drew Members' attention to the following key areas, as detailed in the report:-

- Balance of the Deal
- Conversation Practice
- Workplace Tensions
- Job Pressure
- Organisational Personality
- Satisfaction

In conclusion, the survey was undertaken by over 50% of staff. Whilst it was below the level that senior managers would like, it was likely to be representative of both experience and feelings across the service.

The analyst had provided independent evidence to support the assertions made by managers around the impact of current workloads on staff. It suggested that whilst performance was probably currently good, there were signs that further pressures and the lack of recognition of the existing pressures may result in a worsening of performance in the future.

The Head of Regulatory Services, WRS, reassured the Board, that having taken the information into account, the report remained positive and that scores were mainly in the moderate range, which indicated that work could be done to improve things. He would ensure that managers engaged with staff and reiterated all of the positive support for WRS from Members of the WRS Board, so that staff understood this.

The Head of Regulatory Services, WRS, responded to questions from Members and explained that staff surveys were completed voluntarily. Staff were made aware that completed surveys were anonymous and that the surveys were conducted for their benefit. Routine staff briefings were carried out and there was a staff briefing planned for September this year, where the survey findings would be discussed.

Staff had an annual appraisal, whereby all officers understood what was expected of them and to determine if they had any training requirements. If there were any issues the Senior Practitioners would raise these with Management. WRS had a good training budget, and, because of the number of officers in the service, buying-in a trainer was often cost effective, so lots of local training had taken place for officers. Staff from other authorities had been invited to attend a number of these training events to the extent that some were cost neutral and WRS staff benefitted.

**RESOLVED** that the Worcestershire Regulatory Services, Staff Survey Results 2017, be noted.

10/18

## **WORCESTERSHIRE REGULATORY SERVICES ANNUAL REPORT 2017/2018**

The Board considered a report which detailed the Worcestershire Regulatory Services (WRS) Annual Report 2017/2018.

The Head of Regulatory Services, WRS, informed Members that the report covered the performance of the service for that period, both in terms of 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.

Generally performance had remained good. Food business compliance rates remained high. Taxi license renewals were dealt with in a reasonable time in the main. The taxi fleet appeared to be generally in good order, although the results from enforcement exercises suggested that some drivers / operators needed to pull their socks up in terms of maintaining vehicles. Complaints against the service were significantly exceeded by compliments. It is understood that the main issue for complaints related to paying for the cost of stray dogs.

The indicators for licensed premises and noise complaints had been in place long enough now in order to establish good base-lines. The former showed that generally licensed premises in the County were well managed. The figures could now be used, along with intelligence, to focus enforcement resources in a proactive way to tackle any individual premises, although these were few and far between.

Most complaints related to minor nuisance issues, usually created when a venue introduced a novel activity like live music to diversify its activities. The rate of noise complaints was relatively low and probably reflective of the general environment in Worcestershire.

In response to questions from Members, the Head of Regulatory Services, WRS, informed the Board that there was an increase in noise / nuisance intolerance. Premises were looking to diversify into different activities, but residents living nearby did not want that level of noise. Hence, he would envisage more complaints when premises tried to diversify, but members of the public could deal with and report any issues directly to the service.

With regard to cross border hiring of taxis, the Host authority's Principal Solicitor, Ms. C. Flanagan reminded Members that such questions were, strictly speaking, the remit of individual partner authorities and that policy in these areas was reserved to them. On that basis, the Board needed to be careful not to stray into issues for which it had no remit. Members asked the wider officer members of the Board to consider whether an information report would be appropriate for presentation to the next meeting of the Board, or whether an alternative way of informing them of the issues around cross border hiring could be arranged.

The Chairman thanked the Head of Regulatory Services, WRS for an excellent report.

**RESOLVED:**

- (a) that the Worcestershire Regulatory Services Annual Report 2017/2018 be noted; and

- (b) that a copy of the Worcestershire Regulatory Services Annual Report 2017/2018 be forwarded to the Chief Executive, Managing Director and Members of six partner authorities.

11/18

**FOOD HYGIENE "TRIPLE FIVE SCHEME**

As highlighted at the commencement of the meeting, two members of the Board had to leave the meeting at approximately 17:30 p.m. as they were due to attend two further meetings that evening.

Members therefore agreed to note the Food Hygiene "Triple Five Scheme".

**RESOLVED** that the Triple Five Scheme" report be noted and proceed.

The meeting closed at 5.33 p.m.

Chairman