

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY 4TH OCTOBER 2018 AT 4.30 P.M.

PARKSIDE SUITE - PARKSIDE

MEMBERS: Bromsgrove District Council: Councillor R. J. Laight (Chairman)
Bromsgrove District Council: Councillor P.J. Whittaker
Malvern Hills District Council: Councillor B. Behan
Malvern Hills District Council: Councillor J. Owenson
Redditch Borough Council: Councillor G. Prosser (Vice-Chairman)
Redditch Borough Council: Councillor J. Fisher
Worcester City Council: Councillor J. Squires
Worcester City Council: Councillor A. Feeney
Wychavon District Council: Councillor E. Stokes
Wychavon District Council: Councillor M. King
Wyre Forest District Council: Councillor J. Baker
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 21st June 2018 (Pages 1 - 10)
4. Budget Monitoring Quarter 1 - April to June 2018 (Pages 11 - 18)
5. Activity and Performance Data Quarter 1 (Pages 19 - 52)
6. Information Report - Changes to the Animal related activities licensing regime (Pages 53 - 60)
7. Information Report - Environmental Permitting (Pages 61 - 66)

8. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

2nd October 2018

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.

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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:

Council	Refund from 2017/2018 £'000
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

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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

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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

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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.

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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



**WRS Board
4th October 2018**

WORCESTERSHIRE REGULATORY SERVICES REVENUE MONITORING APRIL – JUNE 2018

Recommendation

It is recommended that the Joint Committee:

- 1.1 Note the final financial position for the period April – June 2018
- 1.2 That partner councils are informed of their liabilities for 2018-19 in relation to Bereavements
- 1.3

Council	Apr – June 18 Actual for Bereavements £000
Redditch	5
Malvern	3
Worcs City	6
	14

**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 2018.

Background

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

Report

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

- Revenue Monitoring April – June 18 – Appendix 1
- Income Breakdown – April – June 18 – Appendix 2

Revenue Monitoring

The detailed revenue report is attached at Appendix 1. This shows a projected outturn overspend of £16k, this is due to the recruitment of a technical officer on a 2 year contract (started 2nd July 18) to support delivery of additional income generation via Primary Authority work. It was agreed by Officer members of the board that this cost would be funded by the partner councils. Taking the additional cost of £20k into consideration, this would show a projected outturn saving of £4k. We have yet to include this funding from partners in the income calculation but this will be amended for quarter 2.

Members will also note that service managers have made an investment of £9,000 in kit to support the monitoring of nuisances related to dust, smoke and similar particulate matter. This has been particularly helpful this summer as the good weather has created some significant issues with building sites close to existing housing development. Given the level of development envisaged across Worcestershire in the coming years, managers are confident this will be a very useful addition and it will provide a potential income generation opportunity by offering this service to our neighbouring authorities.

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 savings in salaries. This is offset by the costs associated with additional agency staff being used to cover the vacancies, sick and to support the service where staff is working on additional income generation projects.
- If April to June 18 spending on pest control continues on the same trend for the rest of year, there will be no overspend on this service this year. WRS officers will continue to monitor and analyse this spend and advise of any changes in quarter 2.
- The following is the actual bereavements costs Apr – June 18 to be funded by partners. These costs are charged on an as and when basis. Due to the nature of the charges it is not possible to project a final

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outturn figure:-

Worcs City	£6k
Redditch	£5k
Malvern	£3k

This income is included in the £321k income projected outturn.

- Appendix 2 shows the detail of the income achieved by WRS April – June 18.
- Any grant funded expenditure is shown separate to the core service costs as this is not funded by the participating Councils.

Financial Implications

None other than those stated in the report

Sustainability

None as a direct result of this report

Contact Points

Jayne Pickering – 01527-881400

Background Papers

Detailed financial business case

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	Full year Budget	Budget 3 Months to June 18	Expenditure to June 18	Variance	Projected outturn	Projected Outturn Variance	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Direct Expenditure							
Employees							
Salary	2,534	634	596	-37	2,471	-64	Includes £20k cost of a 2 year contract post, to support delivery of additional income generation work via primary authority. As agreed by officer members of the board.
Agency Staff	0	0	9	9	56	56	
Employee Insurance	40	10	10	-0	40	0	
Sub-Total - Employees	2,574	643	616	-28	2,566	-8	
Premises							
Rent / Hire of Premise	54	14	13	-0	55	1	
Cleaning	1	0	0	0	1	-0	
Utilities	0	0	0	0	0	0	
Sub-Total - Premises	55	14	14	0	56	1	
Transport							
Vehicle Hire	13	3	0	-3	9	-3	
Vehicle Fuel	8	2	1	-1	6	-2	
Road Fund Tax	1	0	0	0	1	0	
Vehicle Insurance	5	1	1	0	5	0	
Vehicle Maintenance	3	1	1	0	3	0	
Car Allowances	87	22	18	-3	87	-0	
Sub-Total - Transport	116	29	22	-7	111	-5	
Supplies and Services							
Furniture & Equipment	30	7	9	1	39	9	Purchased particulate monitoring kit £8k, which will also be an income generator.
Clothes, uniforms and laundry	2	1	0	-0	2	0	
Printing & Photocopying	17	5	4	-1	18	0	
Postage	11	3	4	1	11	0	
ICT	40	10	15	5	41	1	
Telephones	21	5	4	-1	19	-3	
Training & Seminars	24	6	5	-1	24	0	
Insurance	5	1	1	-0	5	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	293	74	77	3	302	9	

	Full year Budget	Budget 3 Months to June 18	Expenditure to June 18	Variance	Projected outturn	Projected Outturn Variance	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Direct Expenditure							
Contractors							
Dog Warden	145	36	37	1	148	3	
Pest Control	47	12	11	-1	47	0	
Taxi / Alcoh & Other Licensing	65	16	21	4	72	7	
Other contractors/consultants	3	1	0	-0	4	1	
Water Safety	5	1	1	-0	5	0	
Food Safety	2	1	0	-1	2	0	
Environmental Protection	12	3	22	19	30		18 Bereavement / Works in Default to be charged to relevant partners, offset in Income
Grants / Subscriptions	11	3	9	7	11	1	
Advertising, Publicity and Promotion	6	1	2	1	8	2	
Sub-Total	295	74	103	29	327	32	
Income							
Training Courses / Bereavement / Works in Default / Sewer Baiting etc	-309	-77	-82	-5	-321	-12	
Sub-Total	-309	-77	-82	-5	-321	-12	
Total	3,025	756	749	-7	3,041	16	Note: Predicted overspend is less than the additional cost of the temporary contract to support additional primary authority working

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Percentage saving from original budget (Excl County) £5,057 in 2010-11 39.87%

Grant Funded Spend	Spend 18-19	Remaining Reserve Balance	Funded By	
Health & Well Being	2	23	Primary Care Trust	Conditional
Worcs Works Well	2	37	Public Health Dept	Unconditional
LEP	7	67	Worcestershire Local Enterprise	Unconditional
Better Business For all	0	10	Regulatory Delivery	Unconditional
County Buyout	0	173		Unconditional
Grant Income	-10			
Total	0	310		

Agenda Item 4

Regulatory Services Income 2018/19

Appendix 2

Income from Partners

Cum to June 18

Budget	756,250
Bereavement/ Public Burials	13,395
Marlpool - Redditch	3,365
Pest Control Overspend - Wychavon / Wyre Forest & Redditch	0
	<u>773,010</u>

Grant Income

Healthy Eating	0
Severn Trent - Sewer Baiting	3,019
	<u>3,019</u>

Other Income

Stray Dog Income	24,044
County - Mgmt / Admin / Legal etc	13,550
Intelligence Services	2,306
Transcription Work	
Planning Support Work	4,561
Contaminated Land Work	6,932
PPC Work	1,674
Primary Authority work	1,395
Training / Risk Assessments of Water Supplies etc	680
Vet Fee Inspection Costs Recovered	2,543
Licensing - Pre-App Advice / Training	374
Advance payment of pension forwardfunding	4,500
	<u>62,559</u>

Total

838,588

WRS Budget Cum to June 18

-756,250

Total Income Excluding Budget

82,338

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Worcestershire Regulatory Services

Supporting and protecting you

WRS Joint Board

Date: 4th October 2018

Title: Activity and Performance Data Quarter 1

Recommendation

That the Joint 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 Q4 but the actual data allows comparison with previous quarters and previous years.

Contribution to Priorities

Joint 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

The number of dogs seized increased across quarter 1, however only at levels in line with the same period in previous years. The numbers of dog related complaints in this quarter was below the level in the same period in the last 2 years. It is to be hoped that this is a reflection of the work we have done to educate dog owners through our publicity and that this trend continues.

Food complaints/ service requests started low in April but soon climbed to the normal levels expected for this time of year. Inspection numbers are slightly down for the period due to the range of other work being done. This will be picked up later in the year.

Health and Safety enquiries and complaints/ service requests remain at or below the same period in the previous two years however, the number of workplace accidents reported on the RIDDOR system was slightly higher for quarter 1 than for the same period in previous years.

May saw a large peak in information requests (mainly under FOI and EIA,) and this did stretch management capacity to get all of them done in a timely fashion. Fortunately, they fell to normal levels in June.

As has been said previously, the data on licensing complaints/ service requests and application is now showing distinct seasonal patterns and

quarter 1 followed exactly the trend anticipated.

The number of requests for support from planning colleagues is up in quarter 1 suggesting an increase in activity compared to last year. In all three months the numbers of requests were above the level for 2017/18 and in June hit the same level as the peak in 2016/17.

Nuisance complaints were on trend for Q1 with no obvious unusual peaks. As always, as the weather improved through the spring, numbers went up and we are expecting the excellent summer we've had to create a significant spike in work. That is certainly the perception of staff on the ground. Similarly public health complaints (accumulations, pest infestations and public burials,) were on trend with last year and remain well above the levels experienced in 2016/17.

We have changed the way in which we present data about noise complaints from wards. Rather than simply presenting you with the wards with the most complaints, which often tends to lead to the largest wards and/ or the most urban wards appearing, we have taken a slightly different approach and looked at the rate of complaint in relation to ward population. Hence, a smaller ward with a high rate of complaints from its residents is more likely to feature.

As you will see, the distribution of wards is very different from the previous charts, which were dominated by wards in Wyre Forest, Redditch and Worcester City. In this model, Worcester City and Redditch still share 10 wards in the top 25 but Bromsgrove has 7, Wychavon 4 and Malvern Hills 3 when previously those three authorities would probably have had only a handful between them. We think this is an interesting development that probably gives a better picture of the sources of demand than just the basic total numbers of complaints and it perhaps shows what we've said about some residents of the more affluent areas having higher expectations of their local environment than the law requires. We have done a similar exercise with the Q1 data for 2017/18 so you can compare the two time periods. As you will see the distribution of wards is again very different.

Performance

Thanks to the work done by our Intelligence Officer to automate some of the reporting of performance indicators and the development of better reporting in licensing, we are able to offer information about a slightly wider range of the indicators this year than in previous Q1 reports. If members are happy with this development, the service will look to provide these as the norm. Indicators 5, 11 and 12 have previously only been reported at 6-monthly intervals.

Customer satisfaction figures at the end of Q1 are 72.1%, slightly down on last year's outrun. . As was said last year, this may be reflective of increased public expectation of the service which is not borne out in the law's ability to offer solutions.

Business satisfaction during Q1 was at 92.4%, again down on last year and 63.2% of customers feel better equipped to deal with problems after

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speaking with us which is again marginally down on last year. We have found the response rates for questionnaires sent out has fallen so we may need to send out more and look at other ways of getting this type of feedback.

The number of sick days per staff member is 3.55 days per FTE which is higher than hoped for but actually reflects what was said last year in relation to several staff members having planned surgery. All are now back in train and managers hope to see less of an increase in Q2. The proportion of broadly compliant food businesses in Q1 was 98.2%. We will give a district breakdown for the year so far at the end of Q2. The proportion of food businesses scoring 0-2 stars was therefore 1.8% for this period.

The proportion of driver licenses for hackney and private hire renewed within 5 working days of a full application during the quarter was 86.6%

Only 6 corporate complaints were received in quarter 1, again mainly about issues with dogs as against 22 compliments.

The rate of noise complaints per 1000 head of population was 0.88 for Q1. The yearly average is between 3 and 4 and the busiest period is the summer months, so this feels like a fairly normal position for this stage in the year. The proportion of licensed premises alleged to be non-compliant with the 4 licensing objectives was 2.6%. The annual average is 5-8%. A district by district breakdown for these two measures will be provided at the end of Q2. We will have a better idea at this stage as to whether this is in line with previous years.

Contact Points

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Background Papers

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

Appendix B: Performance Indicator Table

Indicator	Reporting period	Q1	Q2	Q3	Q4/ Outrun
1. % of service requests where resolution is achieved to customers satisfaction	Quarterly NB: fig is cumulative	72.1			
2. % of service requests where resolution is achieved to business satisfaction	Quarterly NB: fig is cumulative	92.4			
3. % businesses broadly compliant at first assessment/ inspection	Annually	98.2	NA	NA	
4. % of food businesses scoring 0,1 or 2 at 1 st April each year	Annually	1.8	NA	NA	
5 % of drivers licence renewal applications issued within 5 working days of receipt of a complete application	6-monthly	88.6		NA	
6 % of vehicles found to be defective whilst in service Number of vehicles found to be defective by district and the percentage this represents of the fleet county-wide	6-monthly	NA		NA	

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7	% of service requests where customer indicates they feel better equipped to deal with issues themselves in future	Quarterly NB: fig is cumulative	63.6			
8	Review of register of complaints/compliments	Quarterly NB: fig is cumulative	6/22			
9	Annual staff sickness absence at public sector average or better	Quarterly NB: figure is cumulative	3.55 days/ 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	2.6		NA	
12	Rate of noise complaint per 1000 head of population	6-monthly	0.88		NA	
13	Total income expressed as a % of district base revenue budget (16/17)	6-monthly	NA		NA	
14	Cost of regulatory services per head of population	Annually	NA	NA	NA	

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(Calculation will offset income against revenue budget)					
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**Worcestershire
Regulatory Services**
Supporting and protecting you

Activity Report 2018/19

Covering quarter one



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- Public Health

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- Bromsgrove District Council
- Malvern Hills District Council
- Redditch Borough Council
- Worcester City Council
- Wychavon District Council
- Wyre Forest District Council

Contract Authority Summaries

Foreword

Welcome to the first set of activity data for 2018/19.

As the weather improved through the spring, reactive demand went up and we are expecting the excellent summer we've had to create a significant spike in work. That is certainly the perception of staff on the ground. Similarly, public health complaints (accumulations, pest infestations and public burials) were on trend with last year and remain well above the levels experienced in 2016/17.

Officers have been busy dealing with noise and similar issues whilst still managing to deliver a reasonable number of proactive food inspections.

The data on licensing complaints, enquiries and applications is now showing distinct seasonal patterns and quarter 1 followed exactly the trend anticipated. This analysis helps us better plan our activities against demand.

This promises to be yet another busy year for your teams!



Simon Wilkes

Head of Regulatory Services

Headlines - Quarter One

Licensing Update

The first quarter of 2018/19 has been a busy one for the Licensing Team. Preparations have begun for the introduction of the new "Animal Activity Licence" following the introduction of secondary legislation in relation to Animal Boarding (Catteries, Kennels, Home Boarding, Doggy Day Care), Dog Breeding, Pet shops, Riding Establishments and a new category of Performing Animals (previous County Council function). This new regime comes into force from the 1st of October 2018 with new delegations and fee requirements for each district.

Consultations have begun on the six Statements of Gambling Principles across the County, and officers have taken part in the National Licensing Week (18th – 22nd June) with compliance visits made to Gambling Premises across the County supported by Officers from the Gambling Commission. All work cond and by promoting all that we do through "twitter and facebook".

Officers have also conducted targeted taxi enforcement in two districts with more evenings arranged for the immediate future. CSE (Child Sex Exploitation) Awareness training has been delivered in four out of the six districts with sessions planned in July for Bromsgrove and Wychavon with Malvern Hills to follow. Licensing Officers participated in the Redditch MATES group (multi-agency) operation with the Police, HWFRS and HMRC in a multi agency effort to work together more effectively and lastly WRS hosted the Regional Institute of Licensing (IOL) AGM and Training day at Redditch on behalf of all partners.

Worcestershire Food and Drink Association

In April, Officers held a promotion of the Worcestershire Food and Drink Association at the Three Counties Showground in Malvern. We now have 70 members with the dedicated WF&D website going live at the end of August.

Flooding

Since the last report your Officers have assisted partners in responding to the flooding incidents in Wythall and Hollywood, participating in the tactical response and flood recovery groups and advising affected schools, businesses and residents.

Health and Safety

Page 4

In May a Caution was issued to a major national retailer in respect of an accident that happened to customers within their Redditch store. Full costs were paid by the company following what was a long and complex investigation. This Caution may be cited should the business be found guilty of any further offences.

In June, a HGV driver working for a Redditch company was handed a 12 month community order following the death of an elderly cyclist who was struck by an insecure crane. He pleaded guilty at Birmingham Crown Court to causing death by careless driving following the tragic collision in Shirley on March 24 in 2014. This followed an extensive and complex investigation by WRS and The Police. Previously, the Director the company had been jailed for 21 months and ordered to pay costs of £25,687. In addition the Company was fined £300,000 and ordered to pay costs of £25,687. The company did not hold any valid certificates of examinations for their vehicles and a number of them had serious faults. The director of Buildland Limited and the company itself pleaded guilty to failing to ensure the health and safety of persons not in its employment, and failing to make suitable and sufficient risk assessments.

Food Safety

The 2018/19 Food Safety Inspection Programme has commenced and compliance across all Districts remains high. With promoting economic prosperity as one of our key drivers, coupled with this excellent level of compliance, it is proposed that we should shift some of our focus to rewarding and promoting our good businesses. We are therefore planning to introduce an Innovative "Triple 5 Award" for food businesses that have scored three consecutive L5 (Level 5 is the highest attainable score in the FHRs) inspection scores. We believe that such an award would serve to encourage businesses to sustain the highest level of compliance whilst providing the public with increased confidence in food safety.

In June a complaint was received alleging poor hygiene conditions at premises in Redditch. An inspection revealed that the cellar, which was being used as a food store, was littered with a significant number of mouse droppings. Droppings were also found on the shelving, in cups and on food equipment. Chewed food packaging and plastic were also evident and a problem with the sewage pumping system for the building had caused foul sewage backwash leading into the corridor and the food store room. A Hygiene Emergency Prohibition Notice was served due to an imminent risk of injury to health which was subsequently endorsed by the Magistrates Court which issued a Hygiene Emergency Prohibition Order. This Order was lifted 15 June 2018 following a visit by your Officers confirming that the imminent risk of injury to health had been removed.

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Air Quality & Contaminated Land

May saw the release of the government's draft clean air strategy 2018 which proposes to address a broader range of air pollution sources from domestic solid fuels like wood and coal-burning, emissions from agriculture, further action on polluting non-road mobile machinery and air pollution from aviation and shipping in addition to existing road sources.

Its main pledges that affect local government relate to:

- The creation of a new statutory framework for Clean Air Zones (CAZ) to simplify current overlapping frameworks of CAZ, AQMA and Smoke Control Areas to create a single approach covering all sources of air pollution
- New/revisted Legislation on 'dark smoke' from chimneys and underused provisions on Smoke Control Areas will be updated to give 'more flexible, proportionate' enforcement powers to local government
- Central data collection centre for all national air quality monitoring data

A progressive cut to the public's exposure to particulate matter which includes a pledge to halve the population living in areas with concentrations of fine particulate matter above WHO guideline levels (10 µg/m³) by 2025. Whilst ambitious it is currently unclear as to how many of these aspirations will be delivered within a rational timescale. WRS will be responding to the consultation during the next quarter.

Work continues with Worcester city members on the development of air quality management options in light of their decision to declare the political boundary of the city an air quality management area. Discussions have been positive and the Council will be shortlisting a number of options for further consideration in the autumn.

In other parts of the county Wychebold will be subject to source apportionment work to identify the worst vehicle pollution offenders. Due to the complexity of the road junction and several stakeholders it is likely that this work will be delayed until the autumn.

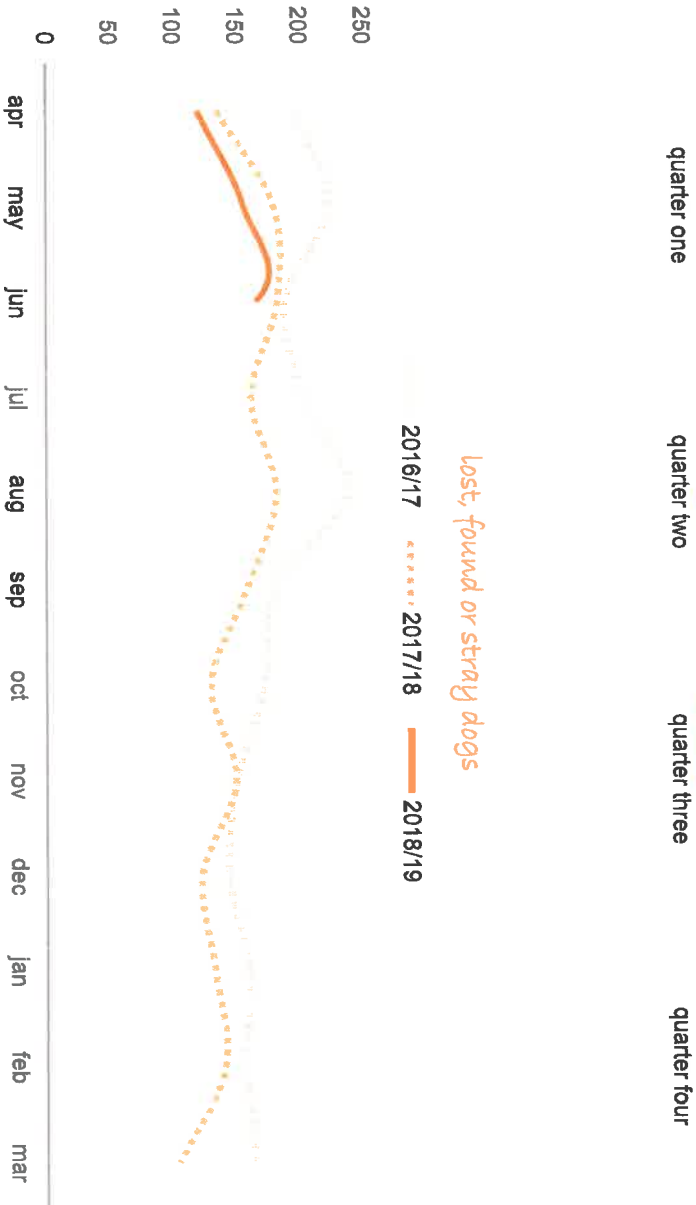
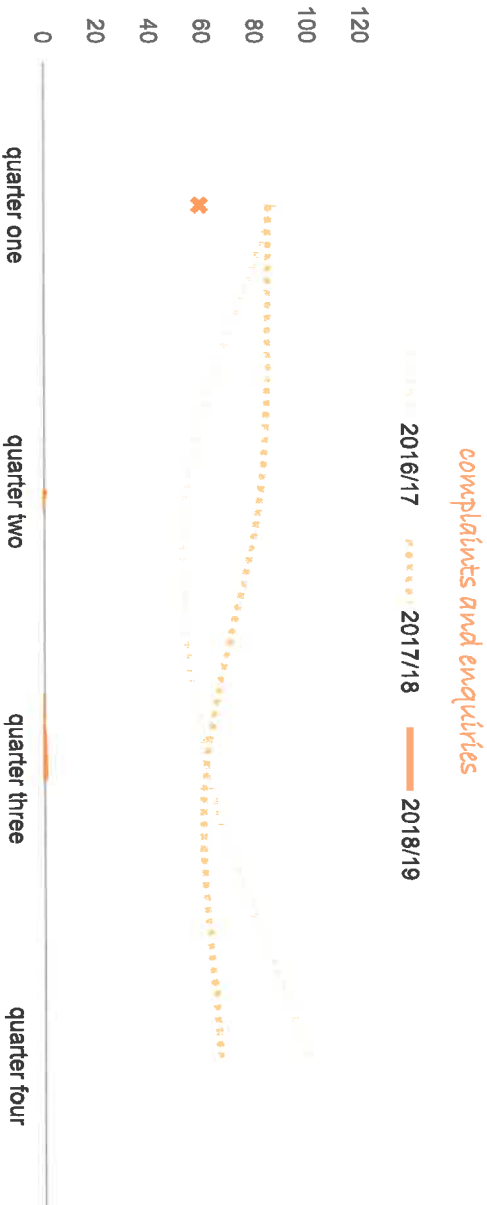
The on going investigation into the Pinches Landfill site in Bromsgrove has seen officers visiting householders and discussing the forthcoming monitoring exercise. Due to warm weather and high atmospheric pressures this work will be delayed until Q3 as prolonged low atmospheric pressures are required to undertake worst case scenario analysis.

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

It is not known why complaint and service request numbers are significantly lower for this quarter compared to previous years but as predicted the number of stray dogs continues to fall. The rise of social media in reunited dogs continues to play a factor in dogs not being reported to Dog Wardens and our work generally removes problematic dogs off the streets. We continue to utilise the Dog Warden's free time to provide commercial services.



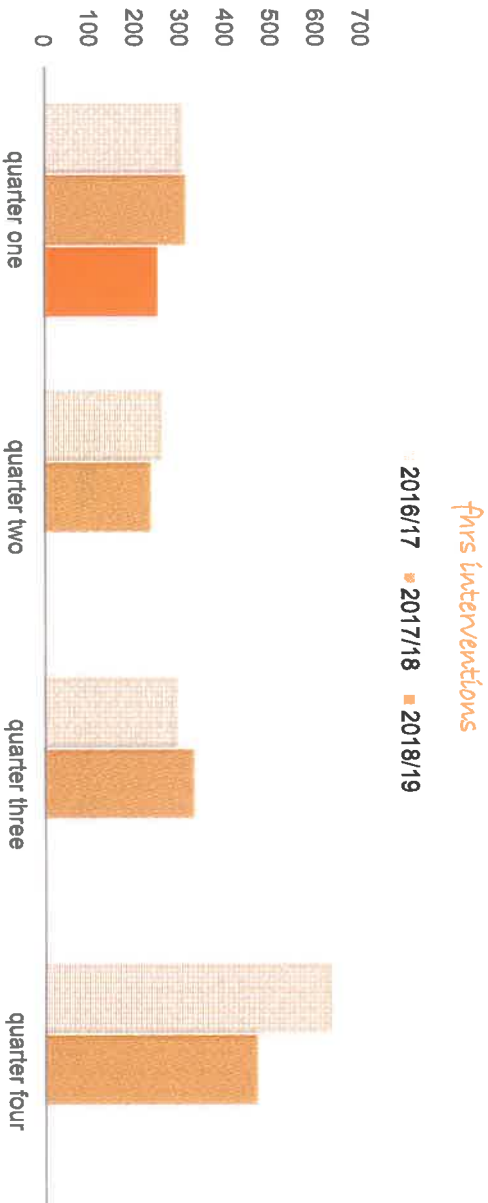
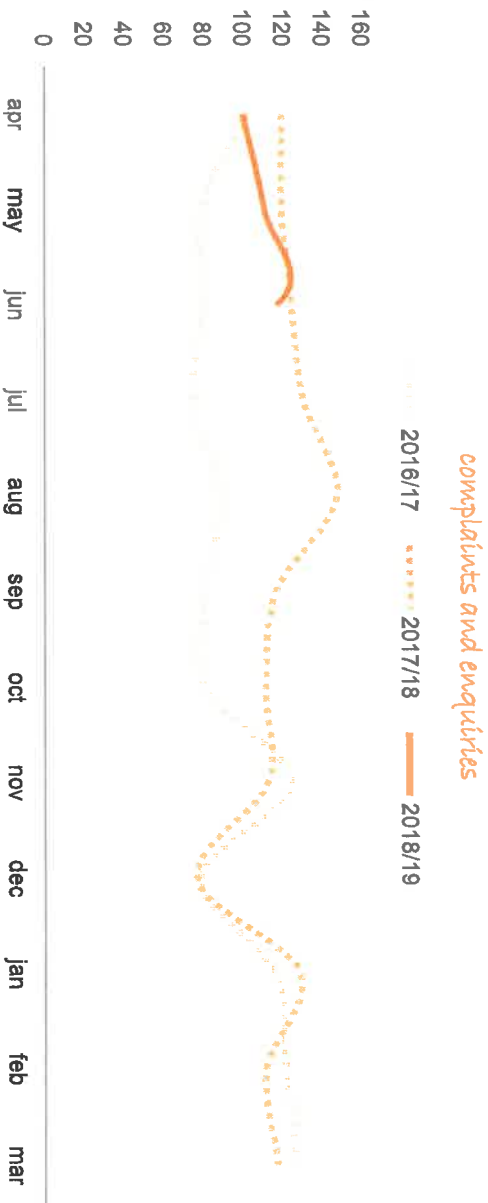
Environmental Permitting

Officers from the permitting team have been undertaking a number of joint visits with the Environment Agency attending business premises in receipt of the Governments RHI grant payments (renewable heating initiative). Officers have identified several premises incinerating controlled waste wood in their boilers in clear contravention of the scheme's rules and giving rise to environmental offences under the Pollution Prevention & Control Act 1999. WRS has been investigating this matter and the 'gaming' of the RHI scheme since 2016. WRS have been advising DEFRA and Ofgem of these serious issues with compliance over the last 18 months. As a consequence many of the recommendations made by WRS on medium to large combustion activities (particular emphasis on RHI) have been incorporated into the new draft clean air strategy 2018 which will result in tighter controls being applied to the commercial burning of solid fuels.

https://consult.defra.gov.uk/environmental-quality/clean-air-strategy-consultation/user_uploads/clean-air-strategy-2018-consultation.pdf

Food Safety

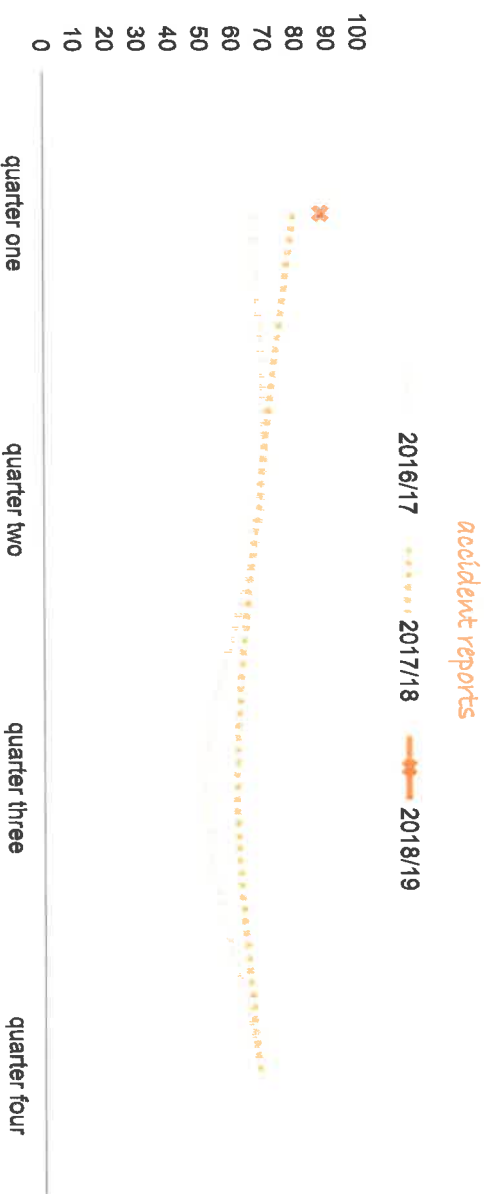
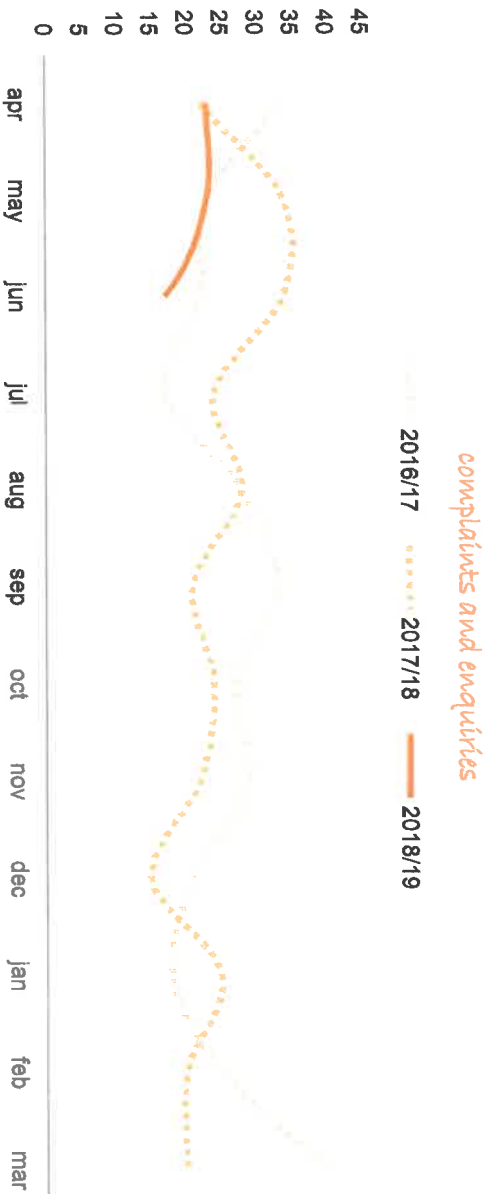
The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to food safety. Types of cases recorded under this category include complaints about food products, hygiene of premises complaints and requests for business advice. The chart (bottom right)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



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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.

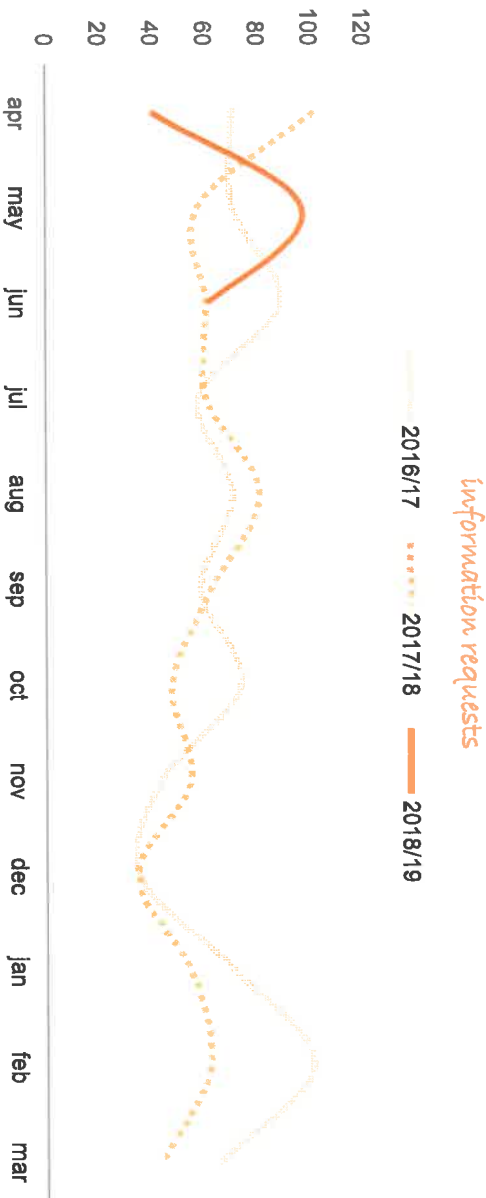


Information Requests

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

Information requests relate to the following:

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



Comments

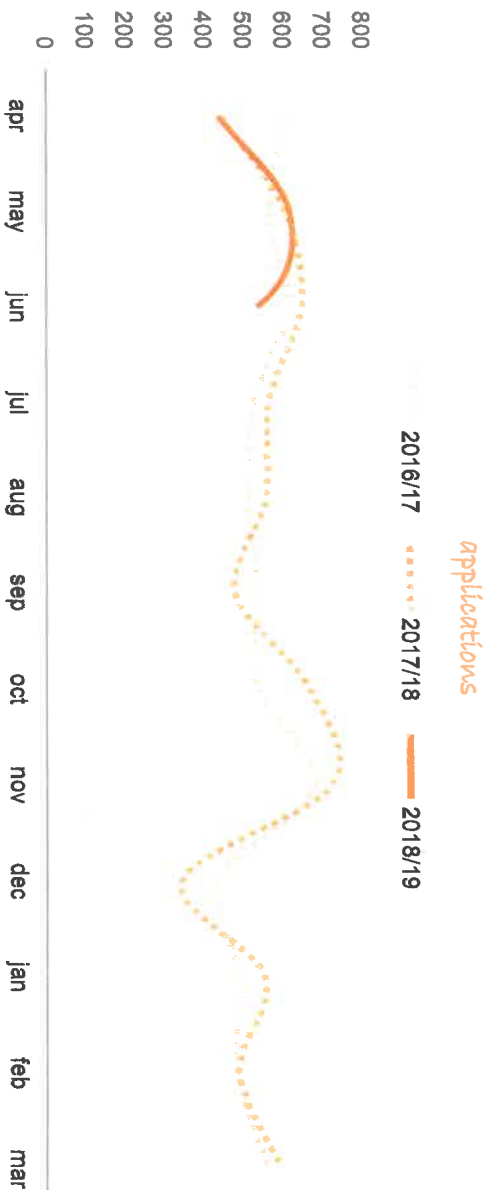
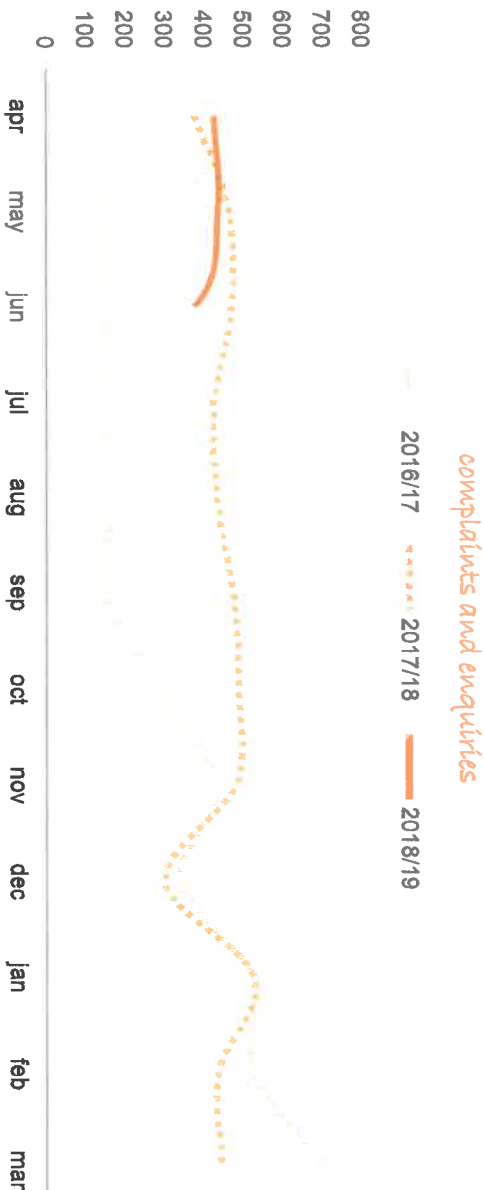
With three different types of requests being included in this data set it is difficult to identify trends. However, for environmental information requests that are often linked to the conveyancy process, the late winter cold snap followed by good spring weather may have caused a glut of house sale linked requests being recieved in May.

Licensing

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

Licensing complaints, enquiries and applications relate to the following:

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



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.

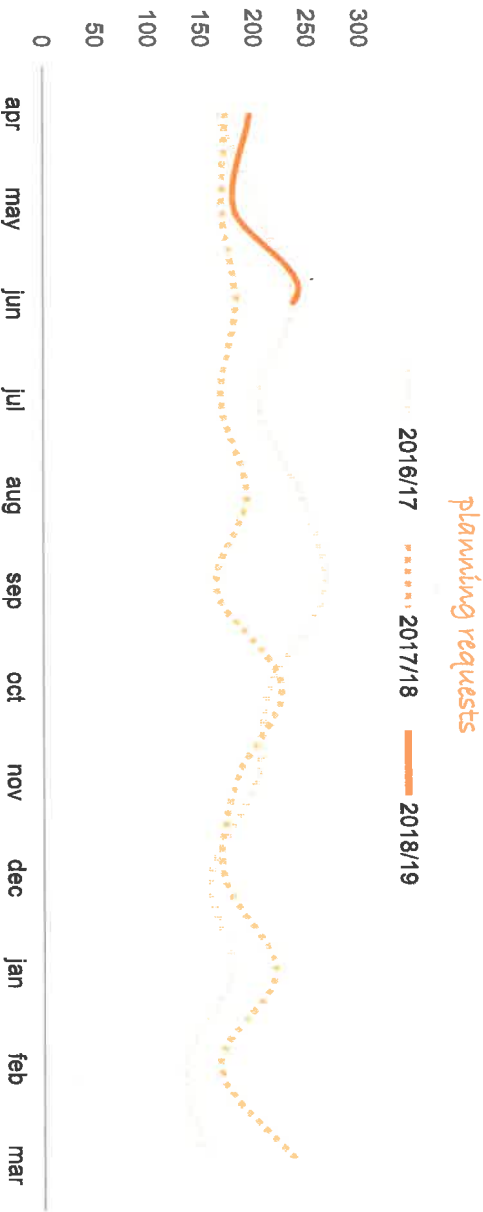
Planning requests relate to the following:

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

Comments

The number of planning cases referred to WRS during Q1 represents an increase of 2.9% compared to the previous quarter, but increases of 1.1% and 16.1% compared to 2016/17 and 2017/18 respectively.

The highest proportion of planning consultation work has been conducted on behalf of Tewkesbury Borough Council (20.7%), Wychavon District Council (17.8%) and Bromsgrove District Council (15.4%).

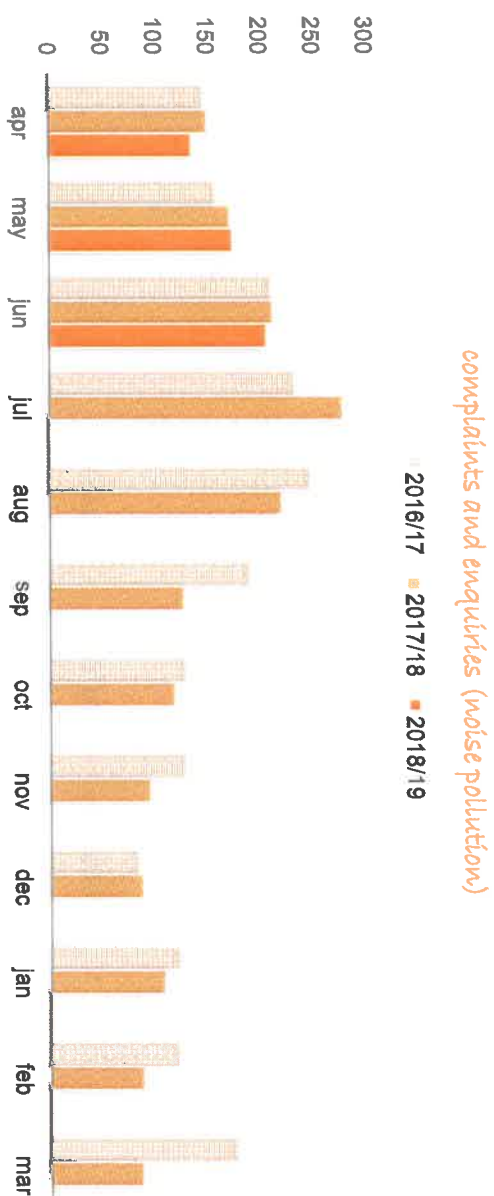
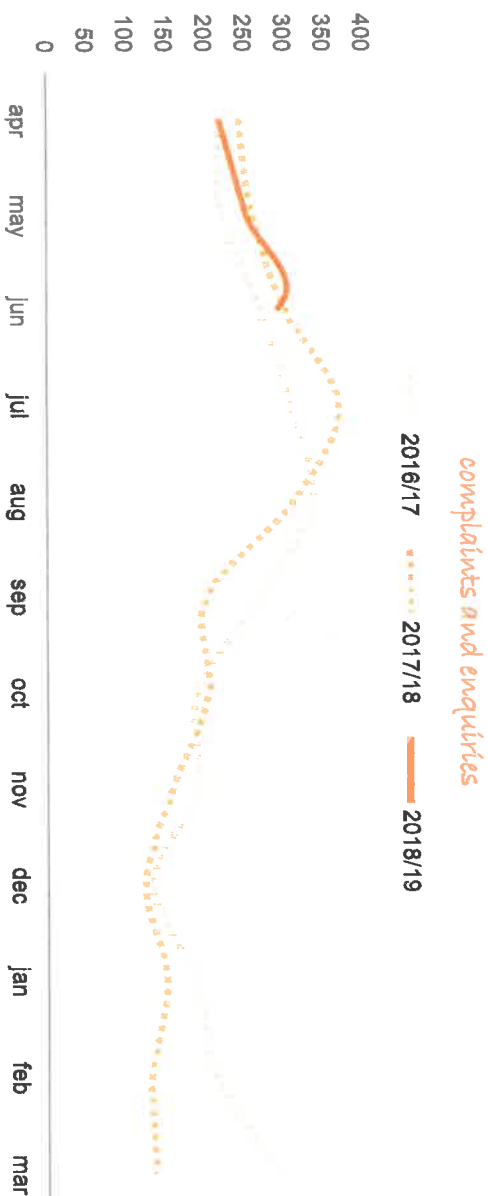


Pollution

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

Comments

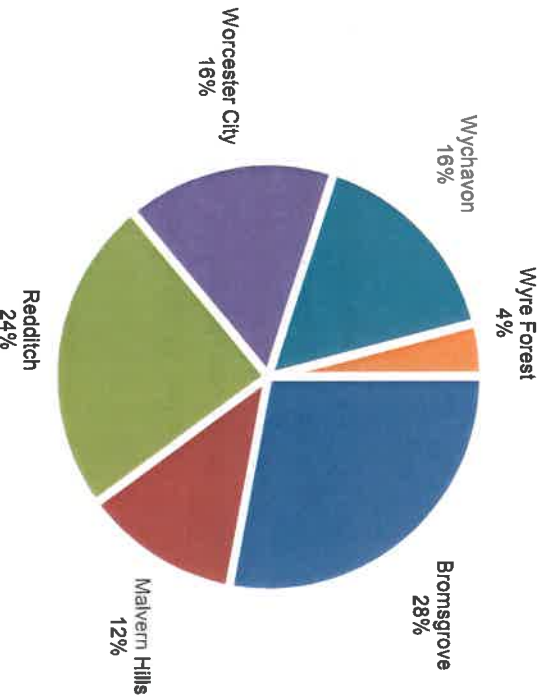
The excellent weather we have had this summer has provided a significant spike in nuisance work. In particular, complaints regarding noise from music festivals and of dust from two developments, one at Norton Farm and the other in Stoke Prior are of particular note. We have worked with Partners and the Developers to keep disruption to nearby residents from construction sites to a minimum, but following complaints that agreements were being breached we invested in our own "state of the art" dust monitoring equipment. This has enabled us to ensure real-time that adequate measures are in place to control dust on site and has successfully acted as a deterrent. Levels have subsequently been found to be well below what would be actionable. One-off music festivals are never likely to reach the threshold of incidence for statutory nuisance. We therefore continue to work pro-actively with organisers to ensure that disruption is kept to a minimum.



Noise Pollution

The table (right) shows the top 25 wards in Worcestershire with the highest case rate for noise pollution cases. It also shows the relative population and the number of cases recorded. The chart (below) shows the top 25 wards by district. For example, 20% of wards highlighted in the table are located within Worcester City.

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

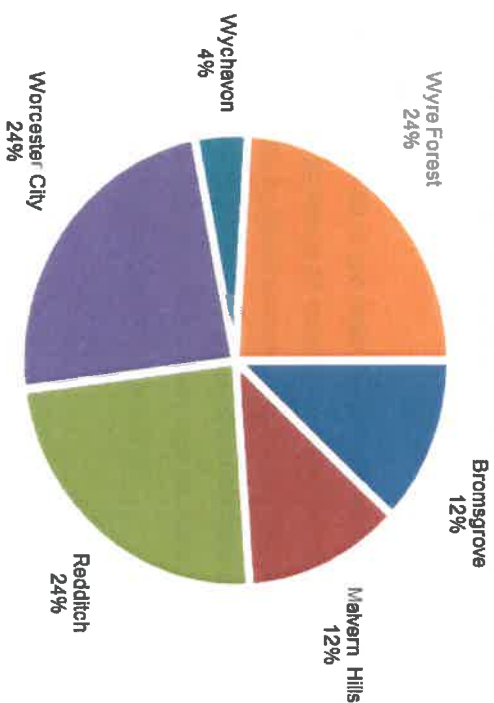


Ward	Total	Population	Rate
Sanders Park	13	3,456	3.76
Wells	8	3,258	2.46
Cathedral	23	11,160	2.06
Lindridge	4	2,246	1.78
Abbey	11	6,232	1.77
Warrdon	10	5,928	1.69
Bengeworth	12	7,301	1.64
Matchborough	10	6,152	1.63
Catshill South	5	3,143	1.59
Norton	5	3,175	1.57
Temer Valley	3	1,920	1.56
Hagley East	4	2,586	1.55
Bredon	4	2,591	1.54
Sidemoor	6	4,024	1.49
Perryfields	2	1,384	1.45
Saint John	13	9,045	1.44
Bowbrook	4	2,907	1.38
Central	9	6,659	1.35
Church Hill	11	8,257	1.33
Astwood Bank And Feckenham	8	6,008	1.33
Arboretum	8	6,167	1.30
Broadwaters	12	9,326	1.29
Avoncroft	4	3,120	1.28
Lodge Park	7	5,630	1.24
South Bredon Hill	3	2,414	1.24

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Noise Pollution (2017/18)

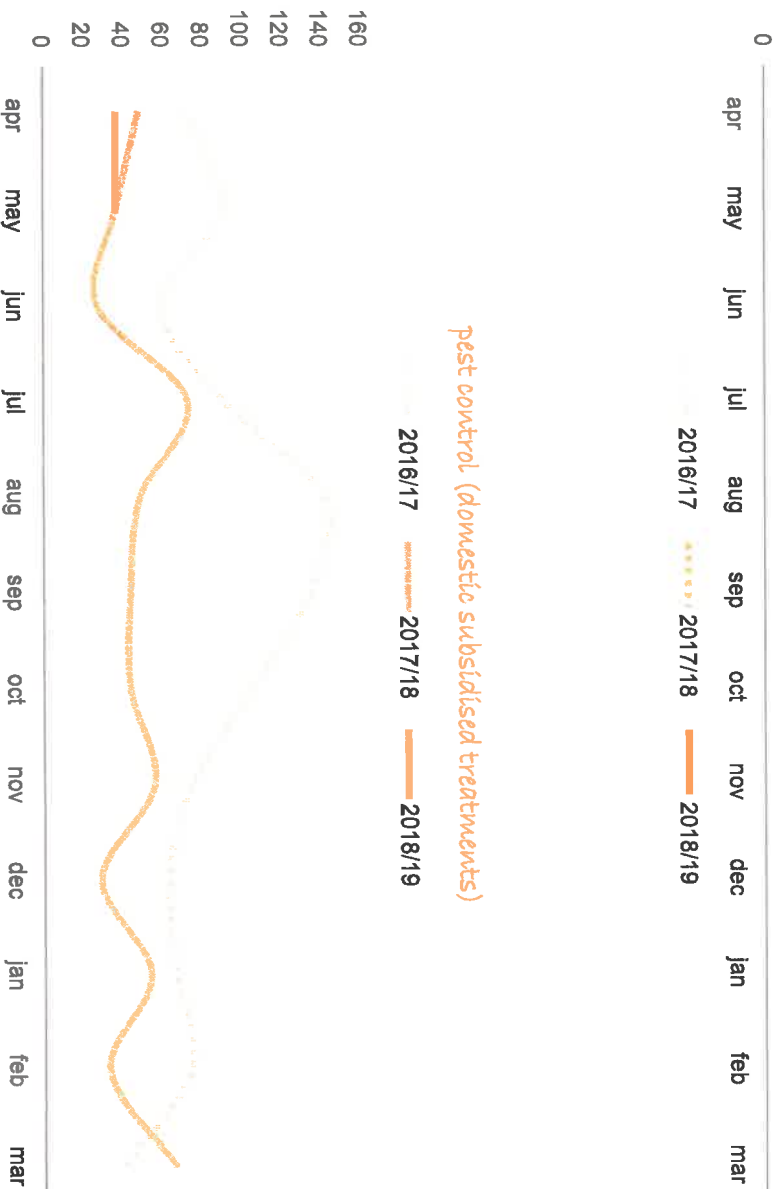
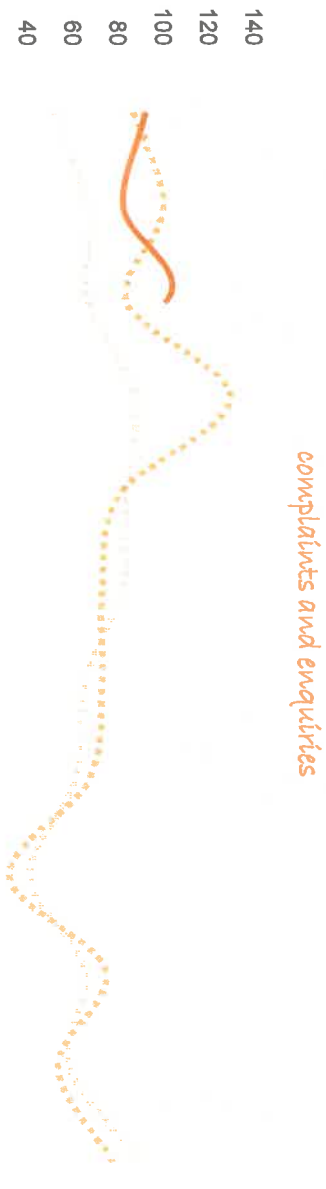
The table (right) shows the top 25 wards in Worcestershire with the highest case rate for noise pollution cases. The data covers 2017/18 and is intended to be a point of reference for the data highlighted on the previous page.



Ward	Total	Population	Rate
Abbey	33	6,197	5.33
Upton And Hanley	21	4,186	5.02
Greenlands	45	9,122	4.93
Rock Hill	14	2,938	4.77
Batchley And Brockhill	40	8,553	4.68
Sanders Park	16	3,463	4.62
Charford	17	3,707	4.59
Astwood Bank And Feckenham	27	6,042	4.47
Blakebrook And Habberley South	39	9,000	4.33
Bedwardine	35	8,279	4.23
Cathedral	45	10,835	4.15
Warndon	23	5,934	3.88
Arboretum	23	6,195	3.71
Bewdley And Rock	31	8,542	3.63
Priority	15	4,234	3.54
Bengeworth	24	6,793	3.53
Central (Redditch)	22	6,494	3.39
Nunery	27	8,087	3.34
Tardeblige	12	3,611	3.32
Saint Stephen	17	5,233	3.25
Tenbury	12	3,873	3.10
Areley Kings And Riverside	25	8,261	3.03
Aggborough And Spennells	25	8,685	2.88
Milton	27	9,752	2.77
Winyates	23	8,360	2.75

Public Health

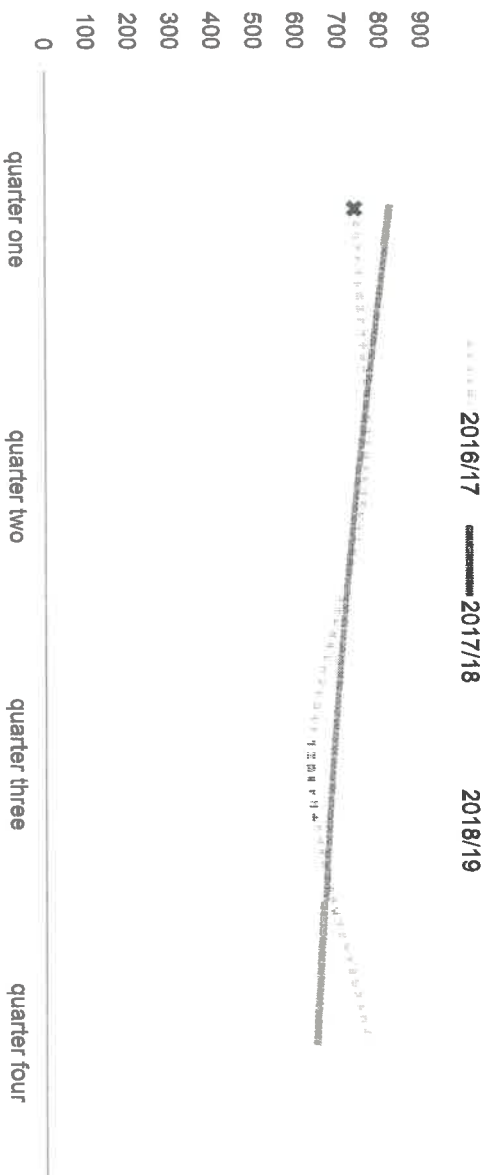
The chart (top right) shows the number of complaints and enquiries recorded by WRS over a three year period relating to public health. Types of cases recorded under this category include accumulations, public burials and pest control. The chart (bottom right) shows the number of subsidised pest control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



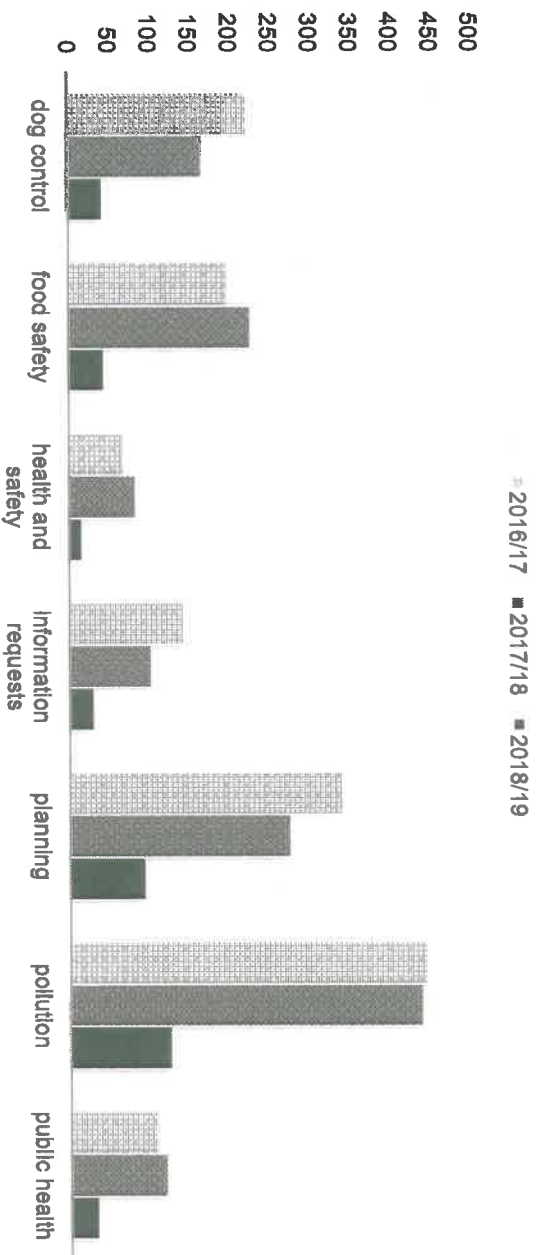


The data on this page relates to Environmental Health and Licensing complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of Bromsgrove.

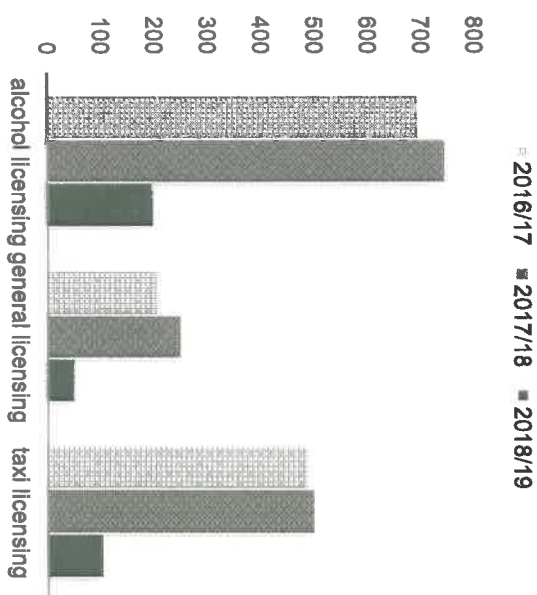
Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.



Environmental Health



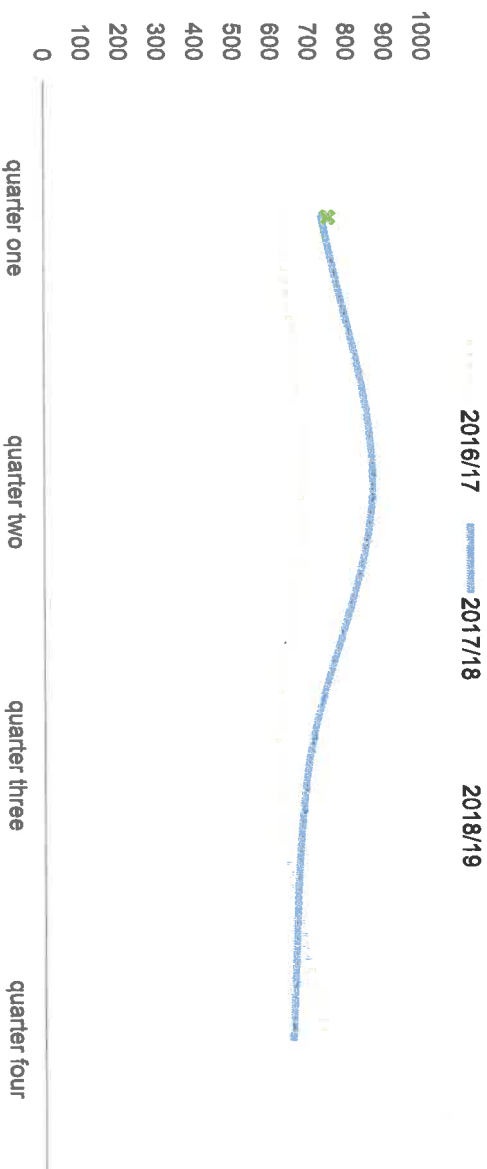
Licensing



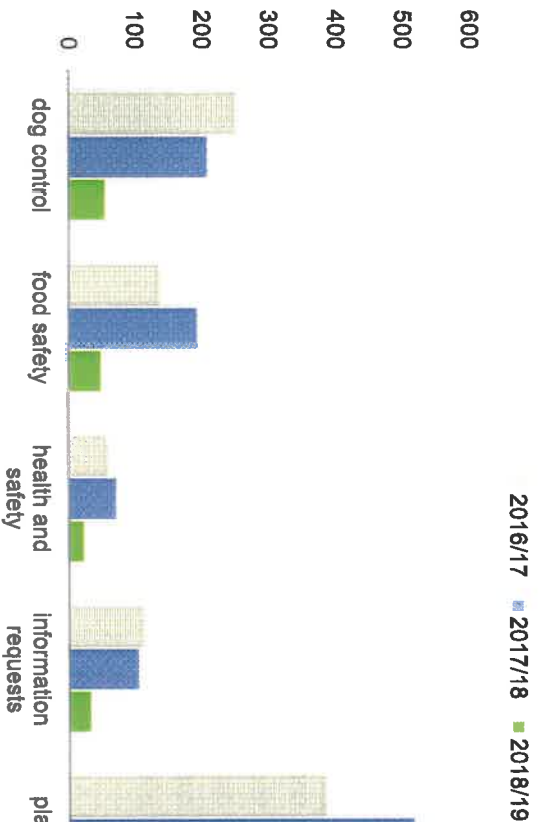


The data on this page relates to Environmental Health and Licensing complaints, enquiries, applications or notifications where the subject or enquirer was located within the district of Malvern Hills.

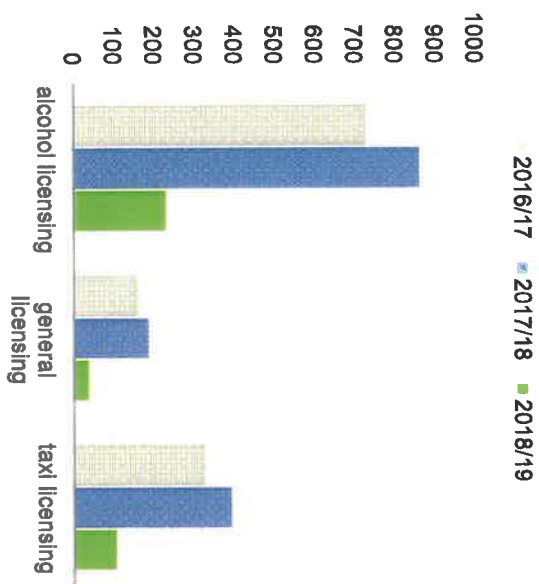
Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.



Environmental Health



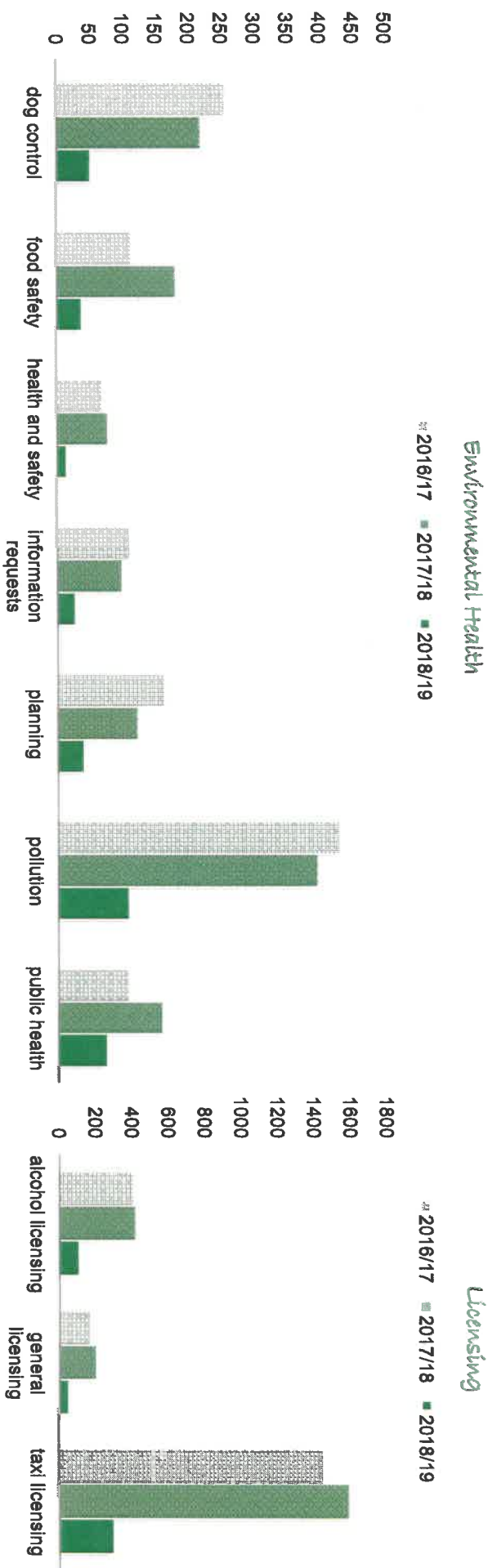
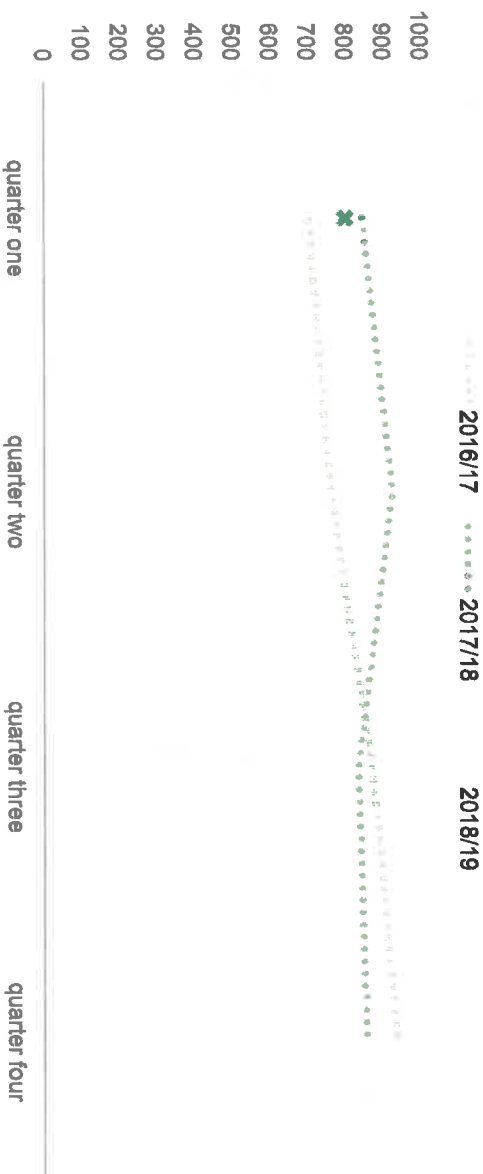
Licensing





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.

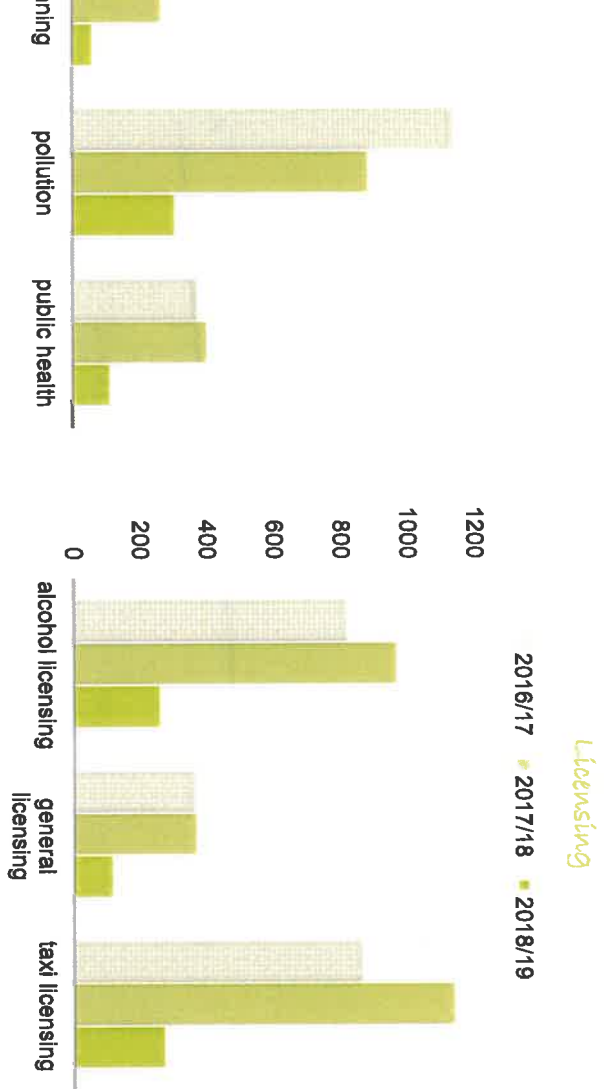
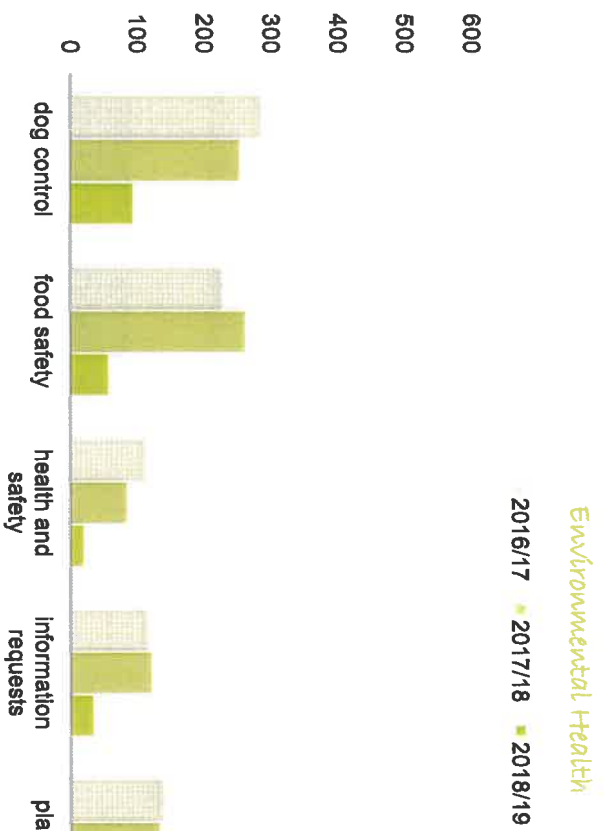
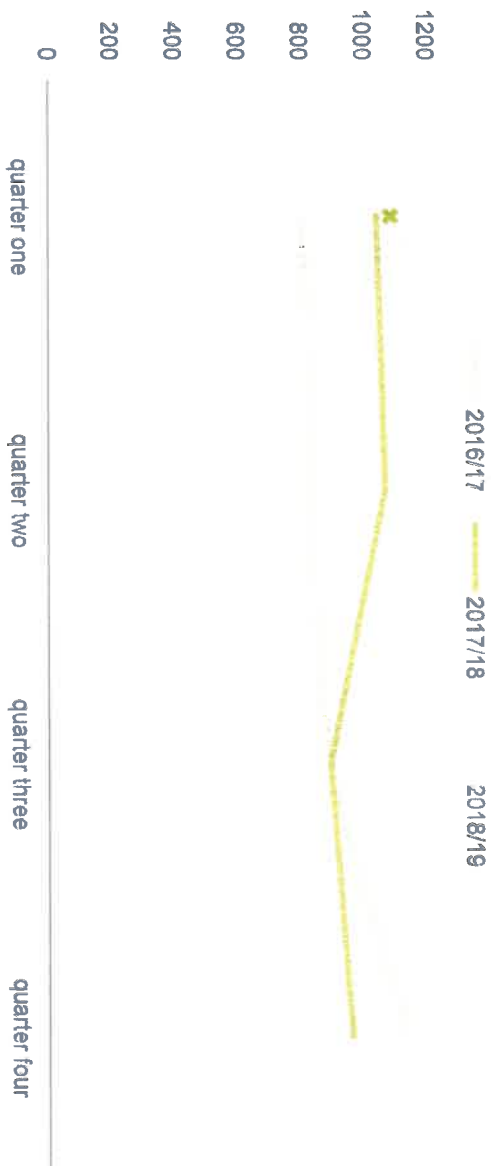
Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.





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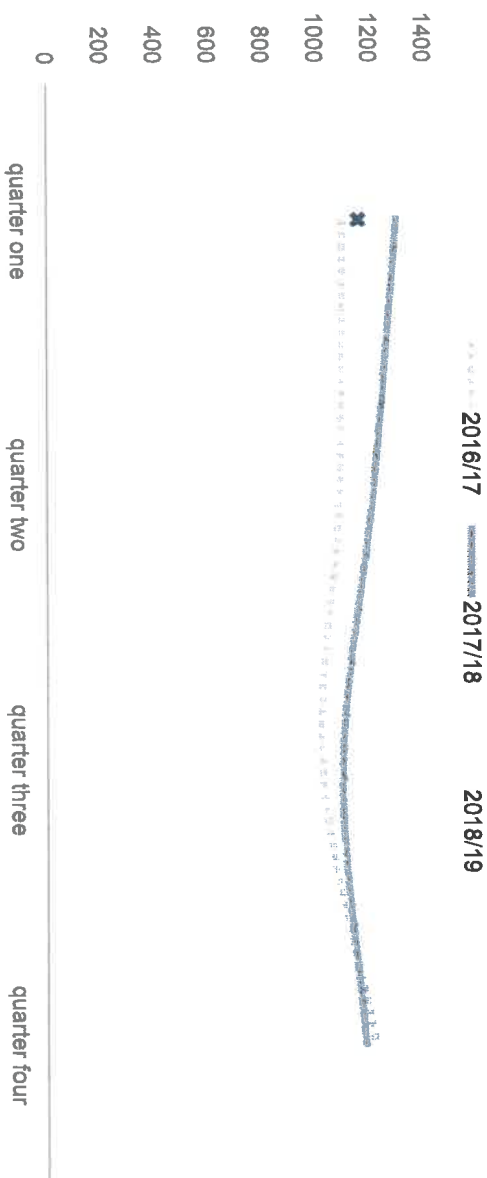
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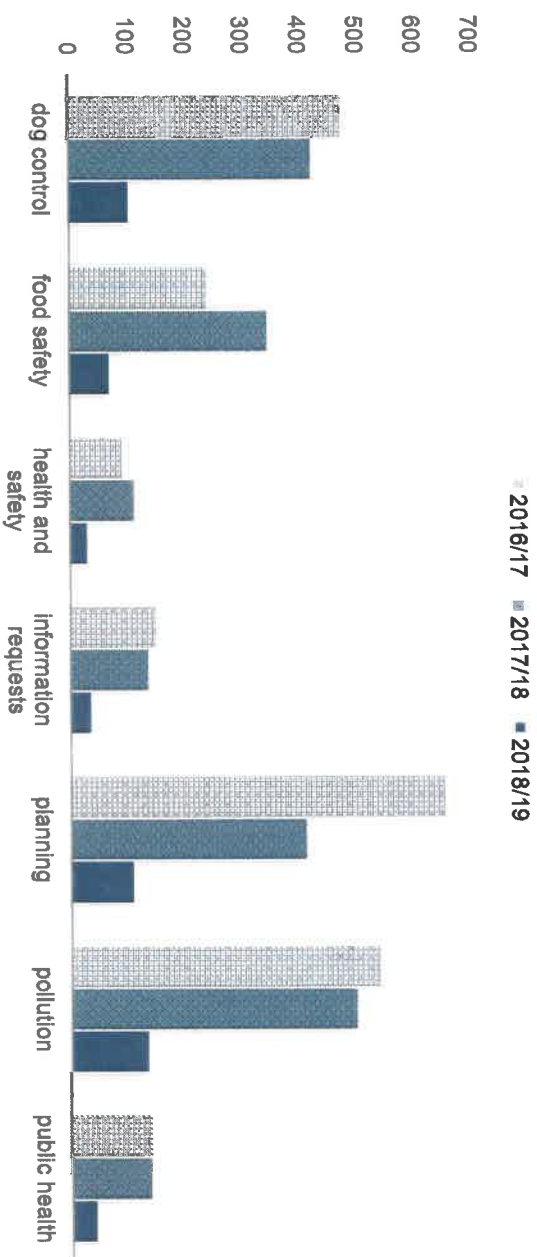


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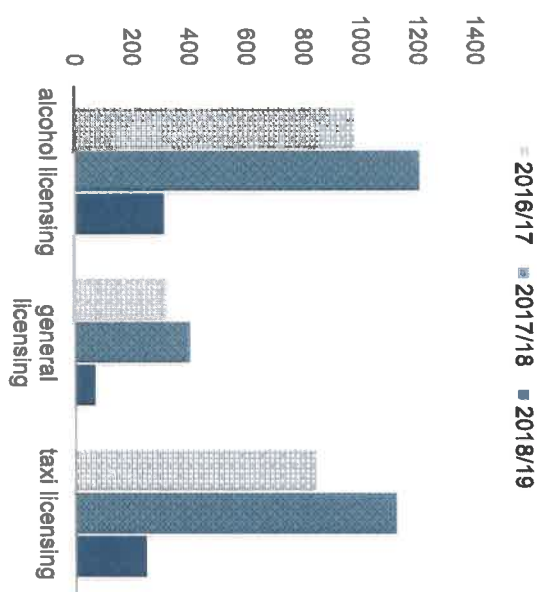
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Environmental Health



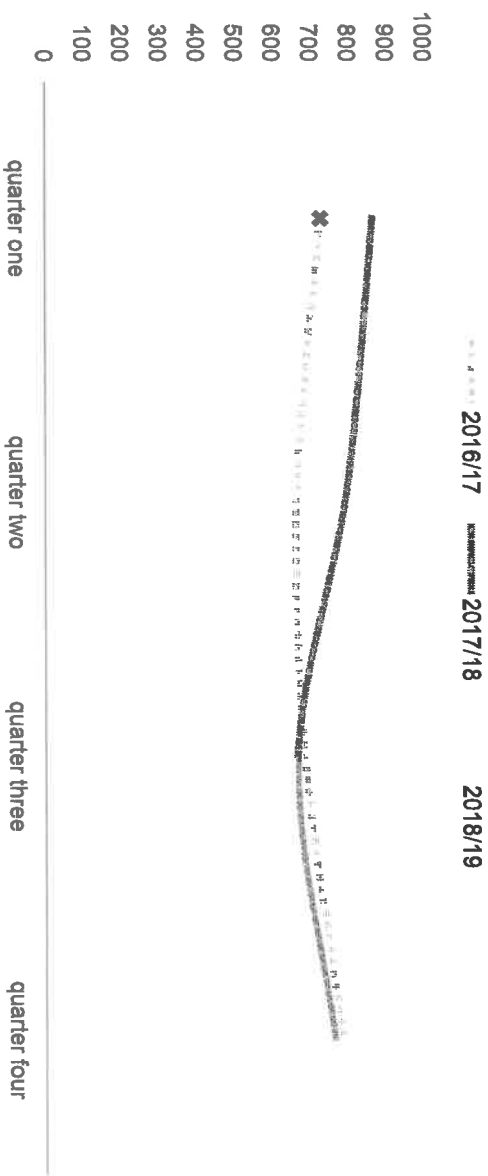
Licensing



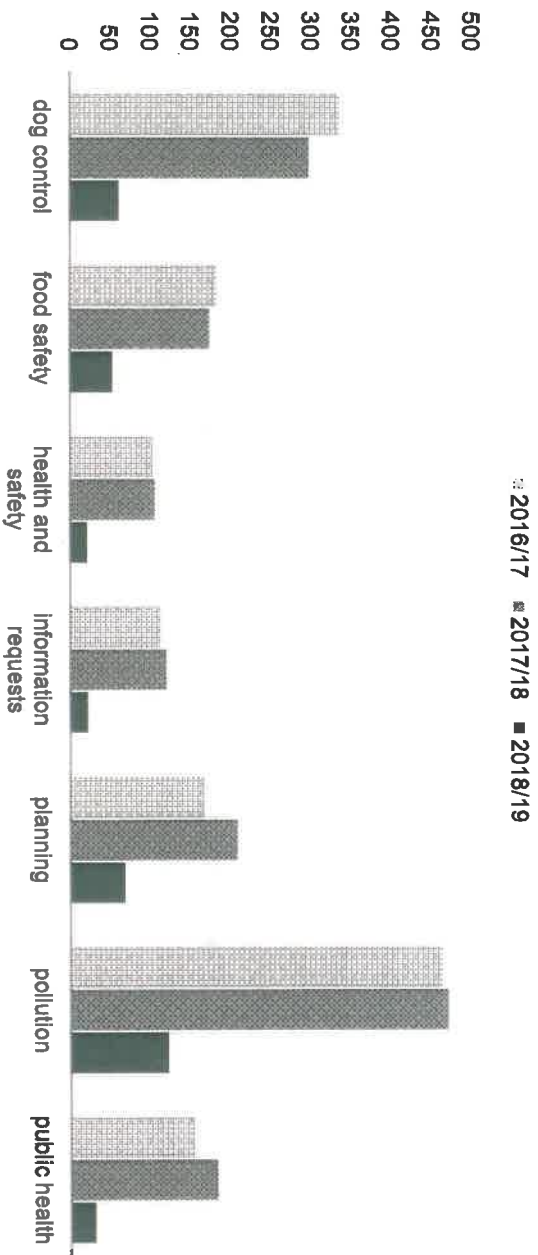


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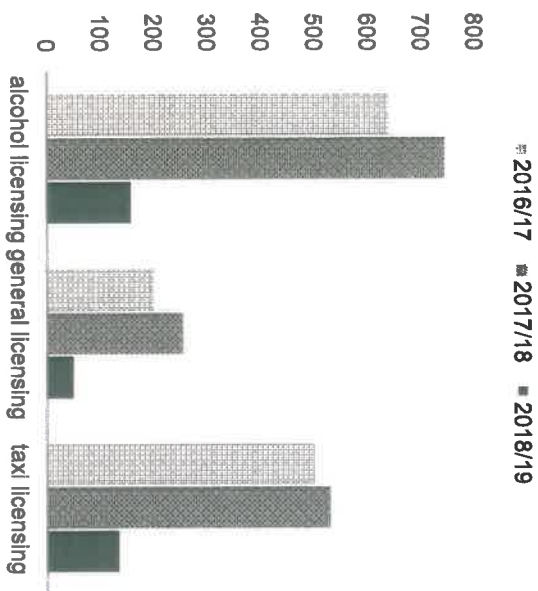
Note: The charts (below) show the number of cases recorded against each of the main functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.



Environmental Health



Licensing



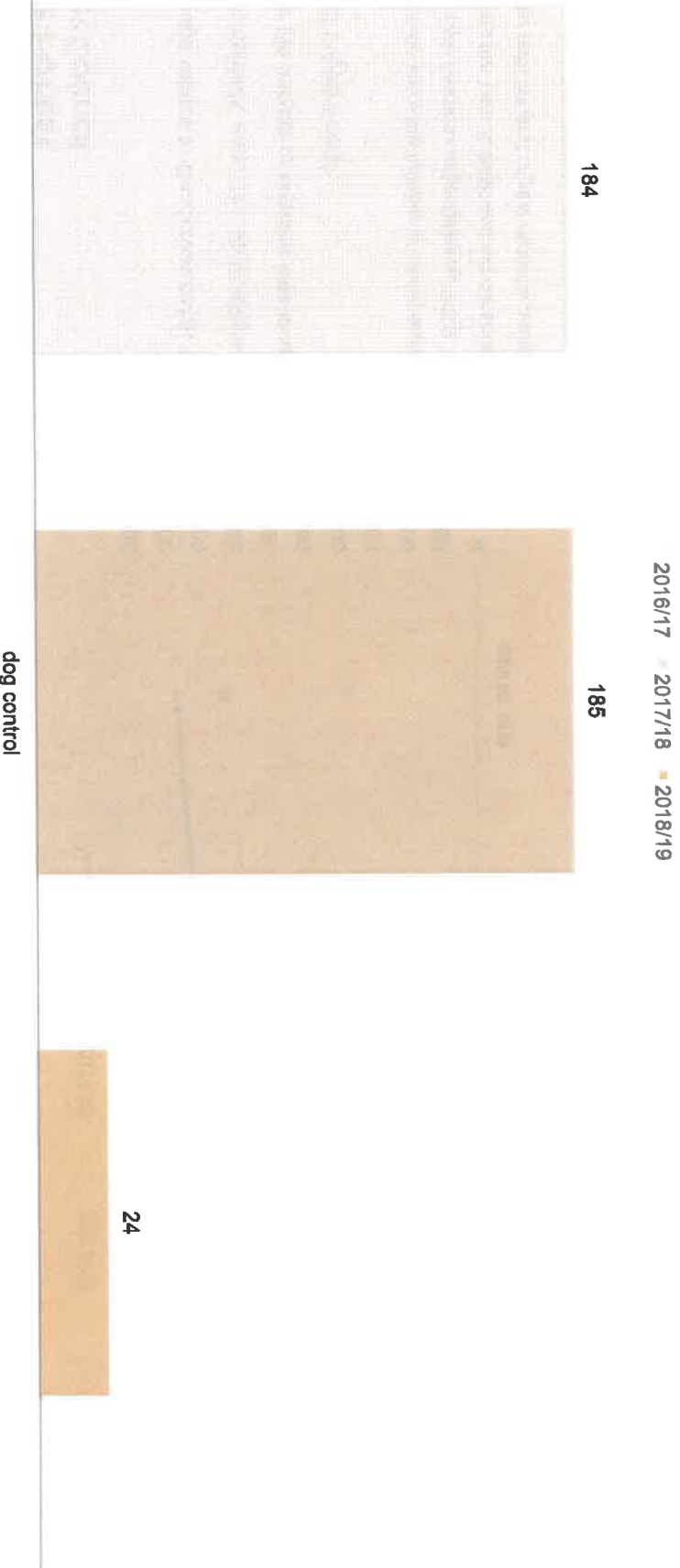
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Cheltenham Borough Council

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 remaining steady following an initial fall in numbers when WRS took over the contract. Based on the first quarter, the numbers for this year would look low, however, with open doors during the fine weather during June and July we are likely to see a spike in dogs that have got loose.

The chart (below) shows the number of cases recorded against the function undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to



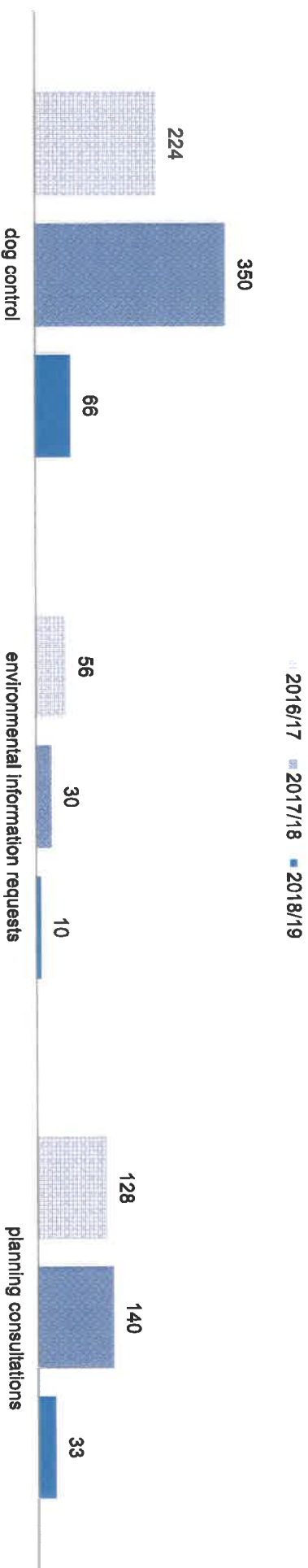
Agenda Item 5

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 numbers of stray dogs collected look set to fall this year based on Quarter One figures, however with open doors during the fine weather during June and July we are likely to see a spike in dogs that have got loose.

The numbers of Environmental Information Requests are not significant, however there appears to be an increase this year upon 2017/18. WRS have been advised the arrangements to provide Contaminated Land planning advice and environmental information requests as well as Permitting Inspections and applications will continue into 2018/19 through information arrangements.

The chart (below) shows the number of cases recorded against each of the functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.

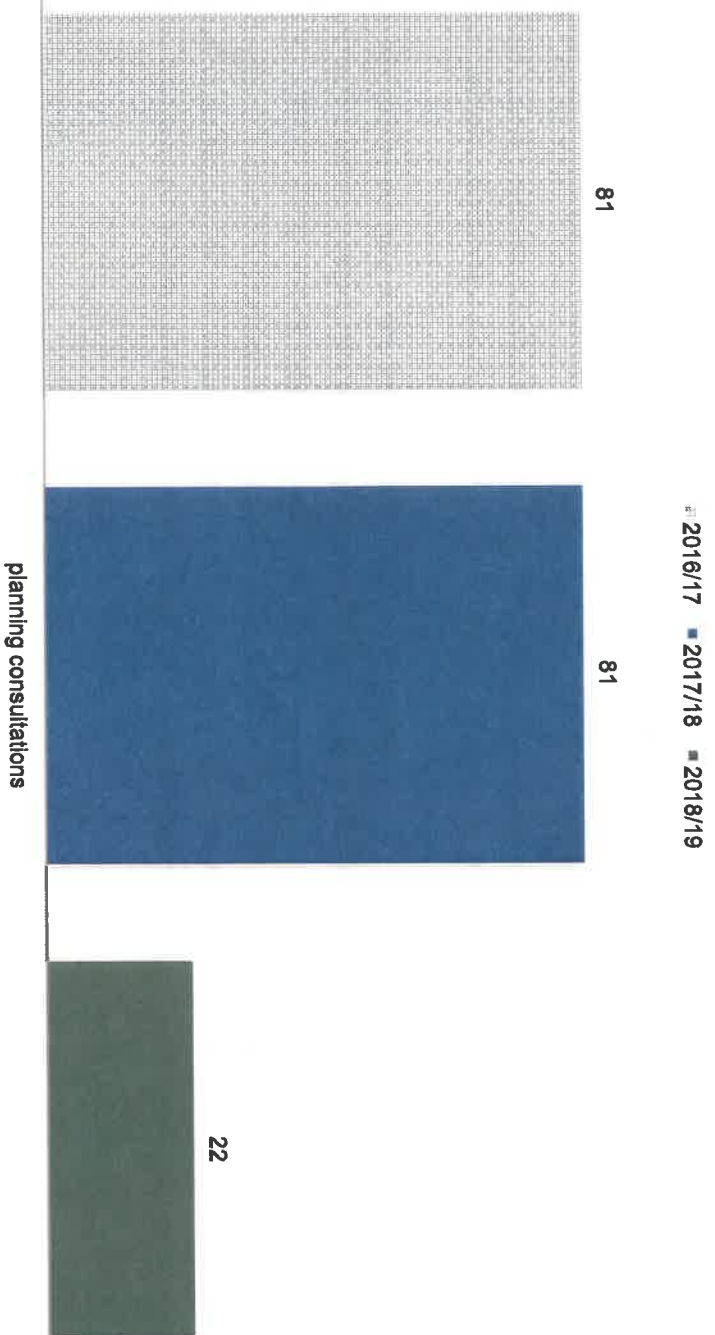


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South Gloucestershire Council

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. The figures below show a consistent level of assistance that WRS has provided to South Gloucestershire Council compared with the last two years.

The chart (below) shows the number of cases recorded against the function undertaken by WRS. The total for 2018/19 represents the year to date and will continue to increase each quarter until the end of year report is published.

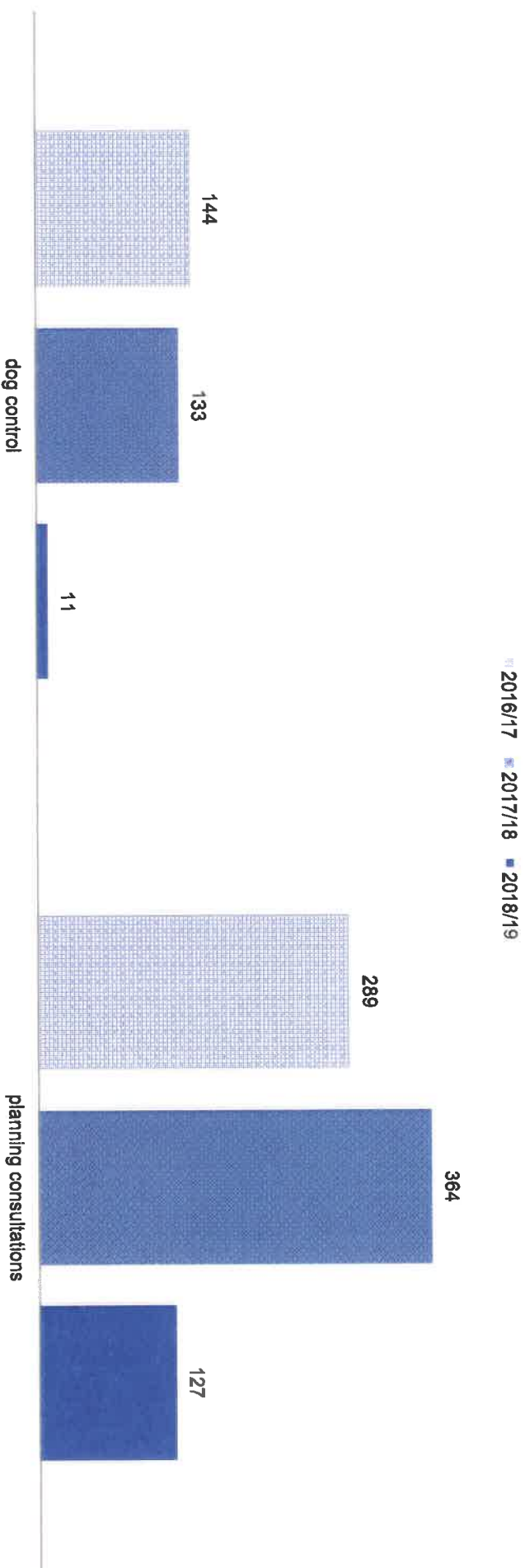


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Tewkesbury Borough Council

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. As predicted, 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. The number of planning applications that WRS are requested to provide nuisance or air quality advice on continue to be high. The increase in consultations made to WRS demonstrates the importance that Tewkesbury place on our role with this work.

The chart (below) shows the number of cases recorded against each of the functions undertaken by WRS. The total for 2018/19 represents the 'year to date' and will continue to increase each quarter until the end of year report is published.





WRS Joint Board Date: 4th October 2018

Licensing of Animal Activity

Recommendation	That the Board notes the report
Background	<p>Each District Council is currently responsible for functions in relation to the licensing and regulation of various animal-related activities. Worcestershire Regulatory Services carries out these functions on each Council's behalf. These licensing regimes are being amalgamated into a single licence type with each aspect becoming a specific activity named on the "Animal Activity Licence".</p> <p>The new regime is designed to bring these activities into the 21st century and reflects Government's and the public's concern to ensure that animal welfare is paramount in the operation of these businesses. The new regulations are made under the Animal Welfare Act 2006, which is designed with the RSPCA's concept of the 5 Freedoms at its heart. These are:</p> <p>Freedom from Hunger and Thirst: By ready access to fresh water and a diet to maintain full health and vigour</p> <p>Freedom from Discomfort: By providing an appropriate environment including shelter and a comfortable resting area</p> <p>Freedom from Pain, Injury or Disease: By providing appropriate preventative measures, along with rapid diagnosis and treatment.</p> <p>Freedom to Express Normal Behaviour: By providing for species specific requirements with respect to space, enrichment and social needs</p> <p>Freedom from Fear and Distress: By ensuring species specific conditions and treatment which avoid mental suffering.</p> <p>Whilst the previous regimes had regard to these matters, they were not embedded at the heart of each one. This change will require officers to be better equipped to make judgements about what they see at licensed premises and the associated inspection regime will create a significant increase in workload for the service.</p>
Report	The table below sets out the animal activities currently regulated by the six partners

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and the legislation under which each Council currently licences people and premises to carry out the activities:

Regulated Activity	Legislation
Keeping a boarding establishment for cats or dogs (kennels, catteries, home boarding, day care facilities)	Animal Boarding Establishments Act 1963
Keeping a riding establishment	Riding Establishments Act 1964 Riding Establishments Act 1970
Keeping a breeding establishment for dogs	Breeding of Dogs Act 1973 Breeding and Sale of Dogs (Welfare) Act 1999
Keeping a pet shop	Pet Animals Act 1951

In addition to those licences mentioned above, Worcestershire County Council via its Trading Standards service is currently the authority responsible for the registration of people who train or exhibit performing animals under the Performing Animals (Regulation) Act 1925. This legislation is also replaced by the new regime and becomes part of the district's functions. During the consultation process the Department for Environment, Food and Rural Affairs (DEFRA) did raise this matter with Heads of Trading Standards in two tier areas and they were content for this work to fall under the new regime.

Members should note that licences to operate a zoo or to keep a dangerous wild animal are not included in these changes and remain a separate licence in their own right.

Section 13 of the Animal Welfare Act 2006 provided the Secretary of State with powers to repeal parts of the existing legislation and replace it with a new licensing or registration regime. To that end in December 2015, DEFRA launched a consultation on proposals to introduce new secondary legislation to implement a single "Animal Establishment Licence" for animal boarding establishments, dog breeding establishments, pet shops, riding establishments and performing animals.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 entered the statute books on 16 April 2018 and are scheduled to come into force on 1 October 2018. A copy of the regulations can be seen on the .GOV website should members wish to review them fully.

Under these new regulations the existing licensing schemes for animal boarding establishments, pet shops, riding establishments and dog breeders will be repealed

and replaced by a new single licensing scheme that will regulate all of these activities and will also incorporate the licensing of those who train or exhibit performing animals.

The description of these functions has changed and the new regulations cover more activities than the previous legislation. The new categories are:

- Selling animals as pets (not just through pet shops,)
- Providing for or arranging for the provision of boarding for cats or dogs (includes kennels or catteries, home boarding for dogs and day care for dogs).
- Hiring out horses
- Dog breeding
- Keeping or training animals for exhibition.

Some of the main differences in the new licensing scheme are as follows:

- A licence will be able to authorise more than one activity (for example animal boarding and dog breeding activities will be able to be authorised by the same licence)
- Licences will be able to be issued for a one, two or three year period (based on an assessment of risk and star rating)
- Standard licence conditions are prescribed by the regulations rather than each authority deciding its own conditions for its area. This should ensure uniform welfare standards nationally.
- The number of litters a dog breeder can produce in a 12-month period before they are presumed to require a licence will be reduced from five litters to three
- There are new powers for licensing authorities to vary, suspend and revoke licences where there is non-compliance or it is necessary to protect the welfare of an animal – where previously the only option available to the local authority was prosecution.
- Inspections of premises will be required on a more frequent basis between 2 and 3 per year dependent on risk and the star rating of the business.

Detailed guidance on the implementation of the new regulations has recently been issued by DEFRA and these documents have been made available via all partner websites.

Licences issued under the existing legislative provisions that remain in force on 1 October 2018 will continue to have effect until they expire, with the majority of licences expiring on 31st December 2018 due to previous scheduling arrangements for renewals.

Worcestershire Regulatory Services has been preparing for the implementation of the new regulations by:

- Liaising with the district councils through Committee processes on setting appropriate licence fees to ensure full cost recovery
- Ensuring the appropriate delegations are in place for each district
- Informing existing licence holders of the forthcoming changes

Financial and Budgetary Implications - Setting Fees

- Updating content on each Council's and WRS's websites
- Liaising with Worcestershire County Council Trading Standards team with regard to those currently registered under the Performing Animals (Regulation) Act 1925
- Training officers on the new licensing scheme
- Updating computer systems to support the implementation of the new regulations

The costs of implementing the new reforms and the administration of the new licensing scheme will require additional resources. The new fees were calculated and set to reflect this additional staffing requirement and the additional work involved, the funding of which will be shared between partner authorities on a proportionate basis based on the number of licences currently granted in each district.

Officers have calculated proposed fees and charges with regards to the regulations and have included in the calculations the costs arising from:

- Time spent assessing, administering and processing applications
- Time spent reviewing/deciding applications
- Storage of applications
- Assessing the suitability of applicants and reviewing relevant offences
- Undertaking the necessary site inspections and additional visits which are now required
- The cost of issuing licences in a format that can be displayed.
- Ongoing compliance with the regulations
- Costs associated with dealing with any contested licence applications, have also been included in these calculations.

A schedule of the proposed fees and charges has been prepared which is attached to this report at "**Appendix A**". The proposed fees and charges for licences issued under the new regulations will need to be approved by all Councils prior to 1 October 2018, or as soon as practicable thereafter. This process is currently underway and should be completed by the end of October.

Across the County there are approximately 265 currently licensed businesses that will be affected by the change in regulations; namely:

142 Animal Boarding Licences
17 Dog Breeding Licences
32 Pet Shops
45 Performing Animals
29 Riding Establishments

It is anticipated though that a number of businesses which were previously outside the scope of the old regulatory regimes will now be covered and those running such businesses will need to apply for a licence and be subject to the inspection regime under the new legislation.

Legal and

The new regulations are very prescriptive as to how matters should be conducted in

Governance Implications

the granting, suspension, variation, refusal and revocation of a licence, with the welfare of the animals concerned at the very heart of any action to be taken. It has therefore been recommended that each of our partners delegate the work associated with this regime to the “Head of Worcestershire Regulatory Services” i.e. the power to grant, suspend, vary, refuse or revoke a licence in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The Head of Service will then use his powers in the legal agreement between the partners to delegate these activities to relevant officers in the service.

Whilst the service will report on numbers and activities to members through local licensing committees to continue to involve the wider elected member cohort, this does mean that licensing committees will only be asked to make decisions in relation to these licenses in situations where officers feel there are particular sensitivities. Day to day decision making will sit with WRS officers and appeals by any applicant will go to the First Tier Tribunal in the event of any refusal.

This approach to decision making mirrors that taken by the partners in relation to the Environmental Permitting regime, which is equally, if not more technical and complex than this new legislation, although we believe this is the first time that regulatory appeals have been directed via a mechanism other than the Courts.

Given that environmental permitting is reported to members of the Joint Board and this new regime is to be operated along these lines, we will also include the activities in our quarterly performance reporting here.

In order for these changes to be facilitated and implemented, all six Worcestershire District Councils need to agree that the items listed in this report are recommended to Full Council and following this are enacted correctly via the appropriate pathway to be incorporated into the WRS Shared Services Agreement and Statement of Partnership Requirements.

At the time of writing this report five out of the 6 districts have met and recommended to Full Council the report in its entirety. Malvern Hills is due to consider the report on the 25th September 2018 at its Executive Committee. Dates shown below:

District	Date Of Licensing /Exec Committee	Date of Full Council
BDC	11 th September 2018	19 th September 2018
MHDC	25 th September 2018	30 th October 2018
RBC	3 rd September 2018	17 th September 2018
WC	10 th September 2018	30 th October 2018
WDC	12 th September 2018	19 th September 2018
WFDC	6 th August 2018	26 th September 2018

Contact Points

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Background Papers

Appendix A: Table of proposed fees.

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Animal Establishments

Proposed Licensing Fees and Charges

Activity Type	VET Fees	Application Fee	Variation Fee	1 Year Licence Fee	2 Year Licence Fee	3 Year Licence Fee	Inspection
Animal Boarding	at cost	322	235	180	357	535	160
Dog Breeding	at cost	322	235	180	357	535	160
Pet Shop	at cost	322	235	180	357	535	160
Performing Animals (no risk assess)	at cost	215	155	N/A	N/A	290	160
Riding Establishments	at cost	322	235	180	357	535	160

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Worcestershire Regulatory Services

Supporting and protecting you

WRS Joint Board

Date: 4th October 2018

Title: Environmental Permitting

Recommendation

That the Joint Board notes the Report.

Background

WRS undertakes the Local Authority statutory duties relating to the Pollution Prevention and Control Act 1999 (referred to as the Environmental Permitting Regime,) for the six Worcestershire Districts under the current Statement of Partner Requirements and also for Gloucester City as a Contractor. These matters seldom come to the attention of members due to the technical complexities involved but, with industrial pollution control seeming to have a higher profile currently officers felt it would be helpful to give members a better understanding of the regime and what WRS does on behalf of the partners.

Report

The operation of certain industrial processes creates the capacity to pollute the air, land and water resources. The Environmental Permitting Regime requires operators of such industries to hold a permit which controls the emissions of pollution from their activities.

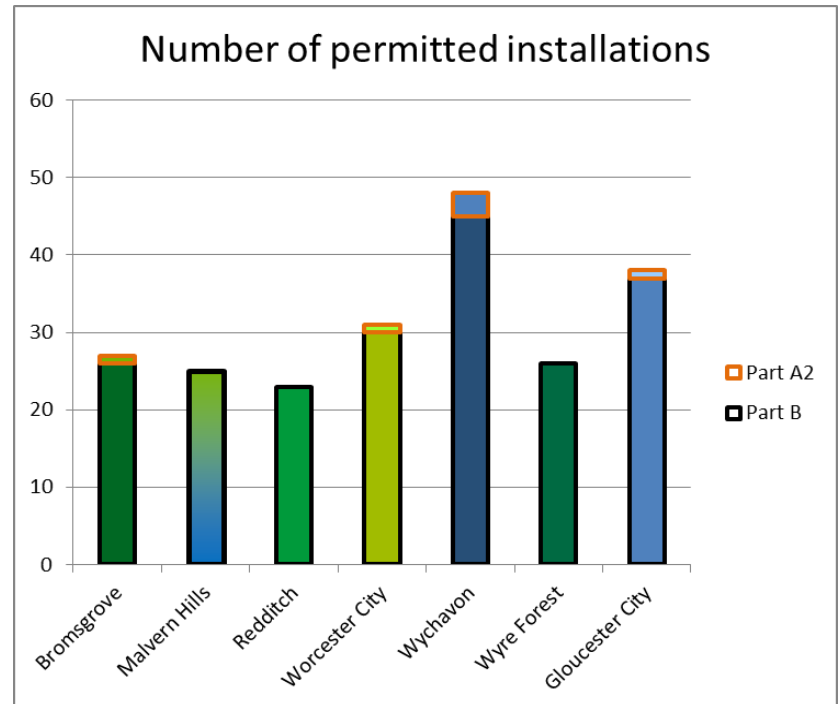
There are three levels of permit control under the regime:

- Part A1: controlled by the Environment Agency
(These are the waste disposal sites, intensive agricultural units and huge installations such as Power Stations)
- Part A2: controlled by the Local Authority (large industrial installations)
- Part B: again controlled by the Local Authority (smaller sites where the only concern is emission to atmosphere/air)

Businesses required to be permitted are expected to submit an application with the appropriate fee, which varies depending on the process being operated. Officers then work with the business to determine the controls required as part of the process. Following the issue of a permit, each business is subject to inspections whose frequency would be dictated by a risk rating. The risk rating is dependent on type of process being operated and the level of

confidence in compliance that risk assessing officers have in the management of the business. All fees are set by central government and are collected by the Partner Authority or, in the case of Gloucester City, our client authority.

Currently WRS is managing 218 permitted processes of which 6 are in the large Part A2 category.



Part B permits

Most of the processes which require Part B permits are simple ones with less risk to the environment such as petrol vapour recovery at filling stations, dry cleaners, spray coating processes and cement batching. Some are more complex and may have several permitted processes operating on the same site, but in general it is contamination of the atmosphere which is the sole concern.

Occasionally nuisance concerns arise from an installation subject to a permit but unless the issues relate to air emissions, the permit cannot be used to control these. In such circumstances officers must rely on other provisions like statutory nuisance.

Part A2 permits

These are the larger industrial processes where there is a risk to the land, water and air from contaminants used or produced by the process. In Worcestershire the five processes operating under this type of permit are:

- 2 brickworks,
- 2 printers of flexible packaging and,
- 1 animal by-product processor.

- 1 Waste Incineration Process (SWIP)

As part of the application process there is a requirement on the applicant to provide clarity to the permitting authority on the level of contamination of the land where the process is to take place prior to commencement. This is because there is an obligation on the operator under the legislation to return the land to this state at the end of the permit. Noise, energy efficiency and odour issues are also all factors that can be addressed by the details included in a Part A2 permit and compliance problems can be addressed with this rather than having to utilise other legislative measures. We are currently dealing with 3 A(2) waste incineration applications for Worcestershire.

Small Waste Incineration Plant (SWIPs) and the Renewable Heat Initiative

There has been considerable confusion nationally within both the combustion sector and local enforcement authorities in relation to the permitting of these installations. This has resulted in the use of inappropriate equipment to burn controlled waste streams.

Such processes should be regulated by an A2 permit issued under Schedule 13 of the legislation. WRS has assisted neighbouring authorities where it has been identified that either an incorrect permit has been issued or where waste fuel has been issued illegally by businesses but generally through ignorance rather than design.

Smoke and odour issues can sometimes be caused by the operation of legitimate virgin wood boilers (more commonly known as biomass boilers,) as was experienced in Hanbury (Wychavon) and Bromsgrove. These appliances should not be mistaken for SWIPs, which are designed specifically to burn waste.

Part of the confusion has been caused by an exponential increase in operators installing incineration plant due to the availability of funding for installation costs via the renewable heat initiative (RHI,) (we understand 17,000 businesses have taken this up nationally). The RHI scheme was designed to encourage sustainable energy production (generally heat) for use in the business, where biomass (responsibly sourced & approved wood fuels) would be burnt on site where there is a legitimate need for the heat or power. Ideally these would have replaced other forms of fossil fuel like gas or diesel.

WRS has worked very closely with the Environment Agency (which regulates the waste industry,) on investigating boiler installations that intelligence suggests may be being fired illegally on waste and hazardous waste wood, particularly those sites where multiple claims for RHI funding have been made.

Both organisations have a role in checking compliance with waste management and air pollution legislation. At several sites in Worcestershire, some non-conformances were identified and a number

of the sites did not appear to meet the original purpose of the RHI scheme. In addition the service has also identified companies that have been promoting the installation of SWIPs to small waste operators where the plant offered has not been capable of complying with the requirements of the permitting regime. This creates challenges for both regulators and operators. The old adage of “caveat emptor” or buyer beware should always apply in business to business transactions but where the cost of equipment looks so competitive, it is easy to understand why businesses might be tempted. As our Trading Standards colleagues would say, “if it sounds too good to be true, it probably is!”

Regulators will then come along, initially hoping to help a business achieve compliance, but the message that you need to re-procure your equipment as this doesn’t control pollution and cannot be changed to meet the legal requirements is seldom going to go down well.

Following the work WRS have undertaken in this area, DEFRA have consulted with us on our findings and are seeking to address the loopholes in the RHI scheme. In addition to this, the Government’s 2018 National Air Quality Strategy has been amended following our lobbying in this area.

Tackling Non-compliance in the County

The majority of businesses in Worcestershire comply with the law and have an environmental conscience when it comes to their manufacturing processes and products. However, there are companies who try to avoid regulation and, in doing so, are giving themselves an unfair commercial advantage and, at the same time, damaging our environment.

In 2015 WRS were informed of a company that was operating a process that WRS had no knowledge of. They were aware of the requirement for a permit and did not contact the local authority to discuss it. As a consequence the company was found to have been operating at a significant commercial advantage for many years without abatement equipment in place to control outputs to the atmosphere. Following the investigation, the company was prosecuted in the Magistrates Court and fined £14,874, with full costs for bringing the case awarded to the partner authority. The company was also required to apply for a permit and invest heavily in abatement equipment at a cost of around £1M. The company is now complying with the same standards as other companies in the County and is no longer polluting the environment.

Commercial Opportunities

WRS delivers permitting work for Gloucester City. This commenced in 2015 when it became apparent to the City’s management team that they were struggling to provide a comprehensive Environmental Health service mainly because they lacked sufficient expertise in the most technical areas like this one. There were particular concerns in relation

to a metal processing business operating under a Part A2 permit that was out of date and in need of review. The location was also a source of frequent complaint to the council in relation to non-compliance with permit conditions and noise issues. Initially the operator was concerned that perhaps the City council had brought in officers like an old fashioned Flying Squad, effectively to sort them out! However, our officers have acted in their usual, even-handed way, working with the residents complaining of noise and with the operator to provide them with advice and support to reach the necessary standard to achieve compliance. This situation has now been turned around so we have a business that is in full compliance with the law and no complaints are being made about them by resident. The operator now values our Officers' advice and opinions, and seeks our help from time to time when they need support.

This is a clear example of the benefits of the approach taken by the Worcestershire authorities to this area of work. An individual district council cannot maintain the level of expertise necessary to discharge these functions well on its own, whereas six combined has created the economies of scale necessary to maintain that expertise. Our deployment of this expertise beyond Worcestershire supports the service's financial position.

Technical Expertise of the team

WRS's Technical Pollution team is recognised nationally and officers are engaged at this level in a number of areas. Members of staff currently sit on the EA's technical regulation board for the following sectors:

- Non ferrous Metal,
- Timber Processes
- Medium Sized Combustion Plant Directive
- Schedule 13 SWIP's

Officers have also produced guidance in a number of areas that has been taken up nationally and the team is regarded by the EA as a leader in the regulation of the SWIP sector. This has brought the team to the attention of fellow regulators and the business community to provide advice on matters of regulation and compliance. WRS have also recently been invited by DEFRA to discuss the direction of strategic policy development relating to industrial pollution control and air quality management.

During 2017 WRS started looking at the potential delivering Primary Authority assured advice generally on Environmental Permits. Previously only advice on simple petrol vapour recovery had been subject to this approach. WRS is currently finalising Primary Authority work programmes with two large national/ international companies. A two-year fixed-term post has been created to provide capacity to deliver these. A further update will be provide via the Activity Reports at the end of the financial year

Agenda Item 7

Contact Points

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Background Papers

None