

WORCESTERSHIRE DISTRICT COUNCILS

MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY 14TH FEBRUARY 2019, AT 4.30 P.M.

PRESENT: Councillors R. J. Laight (Chairman), B. Behan, J. Grubb, P. Witherspoon, J. Squires, E. Stokes, M. King and P. Harrison

Partner Officers: Mr. P. Merrick, Malvern Hills District Council and Wychavon District Council and Mr. L. Griffiths, Worcester City Council

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

The Chairman welcomed Lloyd Griffiths, Corporate Director, Homes and Communities, Worcester City Council

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APOLOGIES

Apologies for absence were received from Councillors P. Whittaker, Bromsgrove District Council, G. Prosser and J. Fisher, Redditch Borough Council, A. Feeney, Worcester City Council, J. Smith and J. Baker, Wyre Forest District Council.

It was noted that Councillors J. Grubb and P. Witherspoon were in attendance as substitutes for Councillors G. Prosser and J. Fisher, Redditch Borough Council. Councillor P. Harrison was in attendance as substitute for Councillor J. Baker, Wyre Forest District Council.

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

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DECLARATIONS OF INTEREST

There were no declarations of interest on this occasion.

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MINUTES

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

Members noted that Councillor E. Stokes had been present at the meeting and should have been listed amongst the Councillors present.

RESOLVED that subject to the amendment, as detailed in the preamble above, the minutes be approved as a correct record.

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WORCESTERSHIRE REGULATORY SERVICES REVENUE
MONITORING QUARTER 1 - 3

The Financial Services Manager, Bromsgrove District Council (BDC) introduced the report and drew Members attention to a number of areas, including:

- The detailed revenue report at Appendix 1 to the report, which showed a projected outturn 2018/2019 surplus of £2k.
- Vacant posts within the services and projected savings in salaries, which had been offset by the costs associated with additional agency staff being used to cover vacancies, sickness and to support the service where staff were working on additional income generation projects.
- The salary figure included the cost of three Technical Officer's. A Technical Officer was recruited in July 2018, on a fixed two year contract, to support delivery of additional income generation via Primary Authority. It was agreed that this officer would be funded by partner authorities on the current partner percentage basis.
- A Technical Officer to carry out additional work on Gull Control for Worcester City Council. The projected recruitment would be mid-February 2019 for a two year fixed contract, to be recharged to Worcester City Council only.
- A Technical Officer to work on the new licensing laws for animal activities had now been successfully recruited. This officer would be funded by partner authorities based on the number of animal licences within each council, the income for animal activity licensing would be realised in the councils general licensing income.
- The detailed explanations within the report were highlighted, in respect of an overspend of £9K on Pest Control. Actual bereavements costs for April to December 2018 to be funded by each partner authority.
- The total income achieved by WRS as detailed at Appendix 2 to the report.

Following a brief discussion, the Head of Regulatory Services, informed the Board that WRS had infilled some of the vacancies and were in the process of filling all vacancies by Quarter 3.

In response to questions from Members, the Head of Regulatory Services explained that the 'Percentage saving from original budget (Excl County) £5,057 in 2010-11', as detailed on page 14 of the main agenda pack; had been shown in order to remind the Board how far WRS had progressed and to remind Members of how different the financial position was now compared to when the service came together in 2010. He was happy to remove the information should the Board

agree. Members were of the view that the information could be detailed in the Annual Report and therefore should be removed from future revenue monitoring reports.

The Head of Regulatory Services, provided further detail on the 'Remaining Reserve Balance' of £272k; which some Members of the Board felt was a substantial amount to keep and agreed that if Members felt this was too substantial he would discuss this with the section 151 officers from the partners. He reminded Members that they had previously agreed that any potential future overspend would be covered by the 'Remaining Reserve Balance', which, if required, would provide a short term buffer for partners so they would not suffer the shock of having to find additional funds at short notice at the end of a financial year. Members agreed that changing the name used to describe the reserve was sufficient as long as it demonstrated that it was clearly earmarked as a protective measure for the 6 local authorities.

The Head of Regulatory Services further informed Members that the Worcestershire Local Enterprise Partnership had provided financial support to allow WRS to deliver the Worcestershire Food and Drink project. The next financial year would see the residual amount going into the new organisation to continue to support its development.

With regard to Pest Control, the Technical Services Manager, WRS, informed Members that wasps were secondary pollinators and therefore their nests could be removed safely or destroyed, if deemed a danger to health. The decision on how wasp nests were dealt with was decided by each partner authority, within their individual pest control policy.

RESOLVED:

- (a) that the final financial position for the period April – December 2018 be noted;
- (b) that partner councils be informed of their liabilities for 2018-19 in relation to Bereavements / Pest Control, as follows:

Council	Apr–Dec 2018 Actual for Bereavements £000	Estimated 2018/19 for Pest Control £000
Redditch	6	5
Malvern	4	
Worcs City	9	
Bromsgrove	1	
Wychavon		2
Wyre Forest		1
Total	20	8

and

(c) that partner councils be informed of their liabilities for 2018-19 in relation to three additional Technical Officers, as follows:

Council	Estimated 2018/19 Tech Officer Primary Authority £000	Estimated 2018/19 Tech Officer Animal Activity £000	Estimated 2018/19 Tech Officer Gull Control £000
Redditch	3	1	
Malvern	3	2	
Worcs City	3	1	3
Bromsgrove	3	1	
Wychavon	4	2	
Wyre Forest	3	1	
Total	19	7	3

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WORCESTERSHIRE REGULATORY SERVICES SERVICE PLAN 2019/2020

The Board was asked to consider and approve the Worcestershire Regulatory Services (WRS) Service Plan 2019/2020.

The Head of Regulatory Services presented the report and in doing so informed Members that the Service Plan, as in previous years, enabled Members to be aware of what the service was proposing for the relevant financial year and provided a sign off that some central government bodies liked to see in relation to service delivery plans, e.g. the Food Standards Agency.

The Service Plan followed a similar pattern as per previous years, but now included an Executive Summary to pick up the main points. The service would continue to shape its work around the strategic priorities for local authority regulatory services, which were provided more than five years ago by the Department for Business, Energy and Industrial Strategy (BEIS) Regulatory Delivery Team, as these provided a framework that allowed WRS to have a golden thread back to the priorities of partner authorities and also to link to the requirements of the various national bodies that oversee the work of WRS.

As with the previous year, more detail was now provided in relation to the Food Hygiene work of the service. This was in order to meet one of the recommendations made by the auditors from the Food Standards Agency during their visit in 2017. They were keen that Members had a better understanding of the demand in this service area when they authorised the service plan for 2019/2020 and future years.

Therefore Members of the Board were particularly being asked to note the proposed number of inspections and similar activities proposed for

the new financial year that would be undertaken to discharge the statutory duties of the six partner authorities with regard to food control.

Councillor E. Stokes, Wychavon District Council, expressed her concerns with regard to the potential impact that Brexit could have on the service. There was no contingency in the budget should the service need to overcome any potential regulatory barriers, should there be any.

The Head of Regulatory Services responded and stated that the regulatory impact of Brexit on the overall regulatory framework for the United Kingdom (UK) was dependant on the future relationship that the UK sought with the European Union (EU). UK legislation was largely compliant with the requirements of the EU. There was a risk for those who imported / exported to the EU and potentially a lot more barriers for them to overcome. There was a limited impact at district with more issues to overcome at county level.

Councillor J. Squires, Worcester City Council, commented that it was always good to see the WRS Service Plan. However, she was interested in seeing additional input from Board Members. Councillor J. Squires further suggested the possibility of holding an away day for officers and Members in order to look at and discuss future service plans and to look at the internal Strategic Assessment document.

The Head of Regulatory Services stated that he was more than happy to hold an away day in order to engage with Members for their participation and input into future service plans. The Strategic Assessment document was an internal document that contained sensitive business information, but he was happy to redact any such information so that Members could have sight of the document.

The Chairman commented that Councillor J. Squires had made an excellent suggestion and was in agreement with the suggestions made.

In response to Councillor M. King, Wychavon District Council, the Head of Regulatory Services, explained that the budget, as agreed by the Board, was still being operated on the assumption of a cash standstill budget. As discussed earlier, there was a reserve of £173k, so a contingency was available should things start to become difficult and the service started to struggle. Further discussions with partner authorities would take place if and when this became necessary. Most partner authorities' only factored in increases for salaries in their budgets, not the general inflation that would apply to other aspects of revenue requirements.

In response to the Chairman, with regard to the 'Operating Environment' as detailed on page 24 of the main agenda pack; 'that the public were less likely to accept the views of officers as an independent view'. The Environmental Health and Trading Standards Manager, WRS, explained that officers had had to emphasise to residents that they were neutral, but there was a perception by the public that officers could and should

do more. As a result of this unnecessary issues had been escalated to senior officers and Members. In response to this, WRS had enhanced their website to provide more detailed information to the public in order to address current public perception of the service.

RESOLVED

- (a) that the Worcestershire Regulatory Services Service Plan 2019/2020 be approved; and
- (b) that Members of the Board specifically note the level of work to be undertaken by the service this year in relation to the partners' roles as local food authorities.

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ACTIVITY AND PERFORMANCE DATA - QUARTER 1-3

The Technical Services Manager, WRS, presented the Activity and Performance Data Quarter 3 report and in doing so stated that the usual format had been used detailing the service workload and demand, whilst also providing individual partner authorities detailed activity report information.

A peak in food complaints and enquiries in August followed the pattern of the previous year and, like other areas, dropped significantly in September. These falls enabled staff to catch up with the proactive food inspections so more of these were conducted in Quarter 3 this year than in previous years. This helped to demonstrate how the service responded flexibly with their resources and also highlighted that when resources were tight, proactive activities took a back seat.

Licensing requests and applications remained on trend along with information requests. However, having seen a significant peak during the summer months, planning requests showed another significant peak during the mid-late autumn, making it a very busy period for the Technical Services team, at a time when they were also trying to finalise some important Primary Authority arrangements.

Sickness figures increased slightly to 3.26 days per full time equivalent (FTE), which was 0.5 days per FTE more than at the end of Quarter 2. Hence the service remained on target for significantly better figures than last year and hopefully below the level in 2016/2017.

In terms of the cumulative performance measures, business satisfaction was up slightly again to 96.1% so heading back towards where the service was historically. Broadly compliant food businesses remained around the 98% mark (97.7%), which continued to demonstrate that food businesses across the county were well run.

Overall customer satisfaction (non-business customers) remained at 61% at the end of December. The proportion who felt better equipped to deal with problems in the future had improved to 56% at the end of September to 59% at the end of December.

Members were asked to note the typographical error on page 44 of the main agenda pack. The last paragraph should read “78 compliments **had** been received against 23 complaints, a similar ratio to previous years in spite of the dip in customer satisfaction”.

Following the presentation of the report and in response to questions from Members, the Head of Regulatory Services agreed to the following:

- Future Reports - Appendix B (to the report) would include the Outturn figures for the previous year.
- In order to provide some clarity, the new Technical Officer would look at the ratio of complaints and the number of residents per ward area and would include this information in future reports.

The Licensing and Support Services Manager, WRS, informed Members that the scheduled Child Sex Exploitation (CSE) training had been carried out at all six partner authorities, with additional sessions to be provided for those drivers who had not managed to get booked on the course during 2018. Additional sessions had already been delivered at Redditch Borough Council during January 2019. Officers were looking at the possibility of a new policy making CSE training mandatory.

The Licensing and Support Services Manager, WRS, further informed Members that the Department for Transport had recently launched a consultation on some new statutory guidance that it intended to publish for taxi and private hire licensing authorities on how to use their licensing powers to protect children and vulnerable adults.

The draft statutory guidance included guidance to licensing authorities on the approach they should adopt with applications from those with previous criminal convictions. Licensing authorities would have a legal obligation to have regard to the Department for Transport statutory guidance once it had been consulted upon and published.

This new guidance also included information of cross border working and the potential for national standards to be adopted.

The consultation would close on 22nd April 2019.

With the agreement of the Chairman, the Head of Regulatory Services commented that the recent press and news coverage of the Department for Transport Department launch of the consultation on new statutory guidance had been very negative. It gave the impression that licensing authorities issued hackney carriage and private hire driver licenses haphazardly. It was not made evidently clear that licensing authorities required applicants to provide an enhanced Disclosure and Barring Service (DBS) check.

Members were reassured that WRS worked with a number of agencies and relevant links where the consultation and subsequent responses to the consultation would be discussed. The Chief Executive, Wyre Forest District Council had volunteered to be the lead on this on the District Councils Networks response to the consultation.

The Licensing and Support Services Manager, WRS, further reassured Members that Licensing Committee Chair's at each partner authority would be contacted to discuss the Department for Transport Department new statutory guidance consultation.

RESOLVED that the Activity and Performance Data Quarter 3 report be noted.

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INFORMATION REPORT - REUNITING DOGS WITH OWNERS OUT OF HOURS

The Technical Services Manager, WRS, presented the Reuniting dogs with owners, out of hours, Information Report.

Members were reminded that every quarter WRS reported to the Board, the number of compliments and complaints received. The manager for each service area reviewed complaints received and provided a response to complainants. An Information Report was presented at the WRS Board meeting on 15th February 2018. The report provided a review of the complaints received by WRS. The review highlighted an investigation into 9 complaints of dissatisfaction whereby dog owners were unable to collect their stray dogs at the weekend or Bank Holidays from the contracted kennelling provider.

Members had considered the possible solutions with associated costs and barriers to be overcome to resolve those 9 complaints; and had reached the conclusion that the cost of implementing a solution was not justifiable for just 9 complaints over a two and half year period.

Since then officers had worked with the main contracted kennelling provider to attempt to overcome the barriers preventing out of hours reunification of stray dogs with their owners. Following negotiation, the kennelling contractor had agreed to a trial of facilitating reunification with some dogs to owners, out of hours, within certain conditions, as detailed on page 78 of the main agenda pack.

The trial had proved successful during the three month period in which it had run, with no significant issues.

The new process enabled swift reunification, with owners who had been responsible, with keeping their dogs details up to date with a microchipped dog. This reduced risk to staff at the kennels, avoided scenarios where there were complexities in fee calculation or welfare investigations. Whilst complaints were still likely to be received whereby

owners were unable to claim their dog, out of hours, there would be defensible reasons for this.

The new process would be kept under review.

In response to questions from Members, the Technical Services Manager, WRS, explained that dog owners had to pay by cash as the contracted kennelling provider did not have the facility to take card payments.

Members were in agreement that it was an excellent report, with a proactive approach by officers to address a relatively small number of complaints.

RESOLVED that the Information Report on reuniting dogs with owners, out of hours, be noted.

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**WORCESTERSHIRE REGULATORY SERVICES BOARD - 2019/2020
PROPOSED MEETING DATES**

The Board considered the proposed meeting dates for 2019/2020.

RESOLVED that the Worcestershire Regulatory Services Board meeting dates and meeting start time of 4:30 p.m. for the municipal year 2019/2020 be approved as follows:-

- Thursday 27th June 2019
- Thursday 26th September 2019
- Thursday 14th November 2019 – Budget Meeting
- Thursday 13th February 2020

The meeting closed at 5.26 p.m.

Chairman

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