WORCESTERSHIRE D I S T R I C T C O U N C I LS

VIRTUAL MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD

THURSDAY, 19TH NOVEMBER 2020, AT 4.30 P.M.

PRESENT: Councillors H. Dyke (Chairman), J. Squires (Vice-Chairman), A. D. Kent, H. J. Jones, J. Raine, N. Nazir, E. Stokes (during minute no's 20/20 to 26/20), D. Morris and P. Dyke

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

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

20/20 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies for absence were received from Councillor T. Wells, Malvern Hills District Council and Councillor M. Johnson, Worcester City Council.

21/20 DECLARATIONS OF INTEREST

There were no declarations of interest.

22/20 MINUTES

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 1st October 2020, were submitted.

RESOLVED that minutes of the Worcestershire Regulatory Services Board meeting held on 1st October 2020, be approved as a correct record.

23/20 INFORMATION REPORT - THE INCREASE IN CHARGES BY WYRE FOREST DISTRICT COUNCIL

Members received an information report on the increase in charges by Wyre Forest District Council (WFDC).

The Head of Regulatory Services reminded Members that at the Board meeting held on 1st October 2020, during the presentation of the Worcestershire Regulatory Services (WRS) Budgets 2020/2021; Members had raised some concern with regard to the additional partner liabilities for 2020/2021 in respect of a £13k increase in accommodation

charges and ICT hosting of WRS from Wyre Forest District Council (WFDC).

As requested by Members, the information report before Members provided some background information and the process that was followed leading to this increase.

In 2014/15, before the service moved to Wyre Forest House, a search for accommodation across the local government family in the county was undertaken, as Worcester City Council had decided to sell its accommodation that WRS occupied.

WRS was offered space in Redditch Library, Wyre Forest House and the old Police Station in Pershore. A review concluded that the Wyre Forest offer was the most cost effective and, with office space that was ready to move into without any additional work, it was the easiest to adopt. WRS moved into Wyre Forest House in March 2015.

At the end of January 2020, as Head of Service, he was approached by the WFDC IT Manager and their Director of Finance as the original agreement for accommodation and IT support was coming to an end. The initial conversation covered only IT provision but, in the first week of February, it was confirmed that a similar uplift would be requested for the accommodation. The increases were based on the compounded impact of the rate of inflation over that period. The table below demonstrates how colleagues at WFDC arrived at their final figures:

Year	RPI Annual %
2019	2.6
2018	2.7
2017	4.1
2016	2.5
2015	1.2

Applying these figures on an annual basis looking backwards led to a compound figure of £50,000 per annum for IT provision (up from £44,000,) and £61,000 per annum for accommodation (up from £54,000.) These figures were rounded, so the overall increase to the nearest £1,000 was £13,000.

As Head of Service, he did express his concerns that coming at this point in the year made it difficult to incorporate these increases into the WRS budget as it had been set for the year already. WFDC officers apologised for this issue but as the Head of Service he had had to agree. This was not the first time that the need for the partnership to set a budget in November had caused an issue for one or other partner authorities in their own budget setting process.

The service provided by WFDC IT team was very good and, as part of the annual staff survey, staff still commented on how changing ICT host

had improved their experience of work based IT solutions. The office accommodation at Wyre Forest House was also of an excellent standard, better than many other public buildings in the County.

As Head of Service, he further consulted with the officer members of the Board. Whilst they expressed their disappointment that WFDC had asked for an increase, they did not object outright and had reluctantly accepted that an inflation only increase was difficult to resist.

The potential availability of other suitable accommodation within the local government family, was carried out, however, it was clear that nothing suitable was available at that time with sufficient quantity of space and desk numbers, even before a consideration of cost was made. Only the old Police Station in Pershore remained available and that needed some work to bring it up to standard in order to be suitable. Worcestershire County Council were also approached regarding space at County Hall, but at this time, there was not sufficient available.

Members should also be aware that, officers had to consider the impact on disruptions to the service and the workforce; plus a re-location would also entail officers becoming entitled to a disbursement payment equivalent to the mileage cost of any additional home to work travel for a period of one year after the move. This was a not un-substantial amount the last time the service had had to move from Worcester City Council.

On balance, it was felt that the sensible solution was to pay the uplift and continue with the current arrangements. The increase in spend was within his remit for decision making.

In terms of the service's accommodation, the accommodation and the service received from WFDC ICT was excellent. The partnership was now on a rolling contract that would be reviewed annually.

One of the results of Covid-19 was the increasing ubiquitous nature of working from home and this should give Councils the opportunity to re-consider staff working practices and accommodation needs. This could lead to partner authorities having further capacity available that may be suitable for WRS.

However, with the current pandemic and the way in which resources were stretched, it would not be practical to consider this for 2021/22. From February 2021, the Management Team would certainly explore options for the following year and review the number of desks currently available / in use and realistically look to reduce those numbers.

The Head of Regulatory Services further commented that originally officer members of the Board had indicated that their preferred option was to simply include this increase in the income targets for the year. Given the current situation however, he had felt that it was worth asking Board Members to consider whether they would make an uplift to the budget to cover this.

If the Board did not wish to agree to uplift the budget by this amount, the option of reverting to fund this with income remained.

Councillor A. D. Kent, Bromsgrove District Council, took the opportunity to thank the Head of Regulatory Services for his detailed report. However, he was still disappointed that the democratic process had failed and that he had had to make a decision. The Head of Regulatory Services had been put in a difficult position having to make such a decision so late in the day, and he fully understood the position that the Head of Regulatory Services had been put in.

In response to Councillor Kent, the Head of Finance and Customer Services commented that partner authorities based their budgets differently. Bromsgrove District Council (BDC) and Redditch Borough Council (RBC) did not use RPI Annual percentage, they tended to set their budgets using CPI and the actual costs of delivering a service.

The Head of Regulatory Services further commented that BDC, as the host authority for WRS had not increased their charges since the inception of WRS in 2010. The costs had originally included ICT costs, which had over time been reduced when WRS moved into their current accommodation in 2015/2016. Staffing numbers across WRS had reduced by half. Members stated that the costs of BDC hosting the shared service was something that needed to be discussed with all partner authorities and Board Members.

Members were in agreement and expressed their disappointment that very little notice of a 12% increase had been given to WRS. Members also commented that officers needed to assess the costs of disrupting the service against moving to other premises in the future. However, Members also agreed that a review of the office accommodation needs of WRS was definitely needed going forward.

The Chairman took the opportunity to inform the Board that, she had fed back the comments and concerns raised at the last meeting of the Board to her respective authority.

The Head of Regulatory Services further informed the Board that the current contract with Wyre Forest District Council was due to expire on 23rd March 2021; therefore, there had not been sufficient time to look at alternative accommodation; and realistically officers were dealing with the current pandemic. However, between now and February 2021 officers would look at the number of desks required; and that going forward his management team would conduct a rigorous review of the requirements of the service with a potential reduction for 2022/2023. The service had tried to keep as much of the hosting costs, as possible, within the local government family.

RECOMMENDED that the additional partner liabilities for 2020/2021 in relation to the increase in accommodation charges and ICT hosting from Wyre Forest District Council, be approved as follows:-

Bromsgrove District Council	£2k
Malvern Hills District Council	£2k
Redditch Borough Council	£2k
Worcester City Council	£2k
Wychavon District Council	£3k
Wyre Forest District Council	£2k
Total	**£13k**

24/20 **INFORMATION REPORT - COVID ACTIVITY COSTINGS**

Members were provided with an information report on Covid Activity costings, as requested by Board Members at the last meeting of the Board on 1st October 2020. During that meeting Board Members had thanked officers for all of the hard work they were doing on Covid related activities and had suggested that they would like to see additional funding being made available to support the service.

The Head of Regulatory Services explained that the WRS Management Team were giving active consideration to bidding to the Chief Executives for additional resources but that a paper would be bought forward to outline current spending levels on Covid related activity.

When the first lockdown commenced at the end of March 2020, it quickly became clear that local authorities were going to incur significant additional costs for work related to controlling the pandemic. The Secretary of State had made an announcement declaring that both Environmental Health Officers and Trading Standards Officers would be responsible for enforcement of the business closure and control provisions that required some businesses to close, others to operate by delivery only and moved many hospitality businesses towards takeaway only activities.

Bromsgrove District Council, the host authority had immediately asked all of its services to record all Covid related activity so that estimates of cost could be given to central government, in order that support payments might match the actual costs. WRS officers were already required to record the time taken on the majority of their activities, so it was a relatively simple exercise to add some additional coding into their

time recording system and to ask officers to use these to record how much time was spent on Covid related activities.

Because we have our fee earner model for charging out WRS officers for commercial activities it was a very straight forward exercise to convert the figures to a monetary amount that reflected the full cost of the officer undertaking the activities.

The Head of Regulatory Services drew Members' attention to the table at Appendix A to the report, which contained the monthly totals, starting in April 2020 for the cost of undertaking Covid related activities on behalf of the six councils and the cost of the team embedded in the Local Outbreak Response Team.

Given the nature of the pandemic, WRS had not sought to allocate these costs geographically to individual partners. This would go against the "One Worcestershire" approach that all seven councils in the County had taken towards tackling the pandemic.

Members will note that these amounts are not insubstantial. The service had been fortunate that the Food Standards Agency had opted to put a moratorium on routine food hygiene inspections at the beginning of the pandemic. This allowed for the vast majority of staff resource that would otherwise have been dedicated to food related work to be put into the pandemic response.

As the economy re-opened, with the service being in essence an economic regulator, the pressures on the service and its staff had grown. Balancing business as usual activity had become more difficult and additional agency staffing resource had been brought in to support the efforts. This would be funded by the monies due from Worcestershire County Council to cover the cost WRS officers who formed part of the Local Outbreak Response Team. These pressures will only grow as numbers of cases rise and it was almost certain that more capacity would be required for the service to both deliver pandemic controls and respond to what we all referred to as "business as usual" activities.

The Head of Regulatory Services highlighted that the Community Environmental Health team had been re-organised to deliver both Covid controls and an embedded unit within the Local Outbreak Response team, as detailed in the table on page 22 of the main agenda report.

Originally 3 members of the Technical Services team were moved into Community Environmental Health to help deal with capacity issues. They had now moved back into Technical Services to deliver income generation activities.

Work in the Local Outbreak Response team was being funded by monies from Worcestershire County Council (WCC) that central government had already provided for the disease response. This

covered the cost of the additional capacity brought in to deal with business as usual activities.

WCC was currently awaiting confirmation from central government on further funding bids to provide additional capacity for backwards contact tracing within the Local Outbreak Response Team, for delivery by WRS; and for dealing with referrals from the national contact tracing system to deal with those people who had a positive test but had not responded to calls from the national system. This was known as “lost to follow up.” WRS would pick up this work along with district colleagues to deliver this service aspect, including door knocking where local telephone calls did not lead to a response.

As Members will be aware, WRS had been entrusted with delivering the project referred to nationally as Covid marshals and locally as Covid Advisors. The district councils had pooled this funding for WRS to deliver this advisory work, but the funding was also earmarked for additional enforcement work. A proportion of the funding could be used to cover the cost of things like out-of-hours enforcement, so we avoided being short of capacity during the week and additional capacity generally. Work had commenced on recruiting this team and the first deployments took place over the weekend of 7th/ 8th November 2020.

This report should serve as a reminder to partners that, although many areas of local government are striving to move into Recovery phase, WRS remained an embedded part of the Response phase and would be for the medium term.

WRS would do its best to contribute to the Recovery phase as it did during last year’s winter flooding events.

Members thanked the Head of Regulatory Services for a really useful report and stated that WRS were really central to the response to the Covid pandemic.

In response to Members’ questions, the Head of Regulatory Services drew Members’ attention to the table of expenditure as detailed on page 23 of the main agenda report.

There were 6/7 FTE (full time equivalent) officers working on Covid compliance and 3/4 on outbreak response. So approximately 1/3rd of that amount £70k would be covered by the monies received from WCC, who had agreed to £162k of funding up to the end March 2021. £120k costs of Covid enforcement had been undertaken by the district councils.

In response to Members, the Technical Services Manager explained that Covid advisors were ‘paired up’ and spread out, with particular attention paid to any areas with high rates of infection that have been flagged up. Enforcement action could be taken if deemed necessary. Officers were responding where there were identified areas of concern and in areas with rising numbers. Marshalls were deployed to areas with the highest

number of reported cases. Covid Marshalls had been received well by businesses, shoppers and customers, who had welcomed the provision of face masks when they had forgotten theirs.

Members took the opportunity to thank officers and to recognise the good work that WRS officers were doing in order to help deal with the current pandemic.

The Environmental Health & Trading Standards Manager further commented that officers took the approach 'engage, educate and encourage', enforcement was a last resort.

RESOLVED that the Information Report on Covid Activity Costings, be noted.

25/20 **WORCESTERSHIRE REGULATORY SERVICES - REVENUE MONITORING APRIL - SEPT 2020**

Members were asked to consider the Worcestershire Regulatory Services Revenue Monitoring for April to September 2020.

The Head of Finance & Customer Services, Bromsgrove District Council, introduced the report and in doing so drew Members' attention to the Recommendations as detailed on pages 25 and 26 of the main agenda report.

Members were asked to note that the revised budget 2020/2021 was based on the recommended budget funding as stated in agenda item number 4, with regards to the increase in ICT and Rent at Wyre Forest House.

Members were further informed that the report showed a projected outturn 2020/2021 of £17k deficit. This was an estimation to the year-end based on the following assumptions:-

- There were two vacant posts within the service, we have assumed no recruitment to the Business & Relationship Manager for the current year to assist in reducing the projected outturn deficit. This will need to be reviewed at the end of quarter 3. The other vacant post was a Regulatory Apprentice which we hoped to recruit to in the near future.

- If April to Sept spend on pest control continued on the same trend for the rest of year, there would be an overspend on this service of £16k. WRS officers would continue to monitor and analyse this spend and advise of final recharges for 2020/21 as soon as possible. The projected outturn figure to be funded by partners was:-

Redditch Borough Council	£9k
Wychavon District Council	£7k

Members' attention was drawn to the figures detailed in Appendix 1 to the report:

- Savings due to employees working on Local Outbreak Response Team.
- Essential calibration on noise monitoring.
- Reduction in dogs straying and the dog warden had been taken in house.
- Bereavement / Works in Default to be charged to relevant partners.

The Head of Regulatory Services further explained that with regard to the local Covid outbreak team, WRS had started with an estimate of £162k, for the year. The figures quoted in the table were up to the end of October, so there were four more months to go. Staff involved in local outbreak contact tracing work and look to follow up work would have to be included. Therefore, this could go above £181k, back filling of a certain amount of normal WRS business activities would also have to be factored in.

The Environmental Health and Trading Standards Manager clarified that officers were not seeing a significant increase or trend in bereavement costs due to the current pandemic.

With regard to Pest Control, the Technical Services Manager stated that there were 3 partner authorities that currently provided a subsidised pest control service.

RESOLVED that

a) the final financial position for the period April to September 2020, be noted;

b) partner authorities be informed of their liabilities for 2020/2021 in relation to Bereavements as follows:-

Council	**Apr–Sept 20 Actual for Bereavements £000**
Redditch Borough Council	5
Malvern Hills District Council	2
Worcester City Council	7
Bromsgrove District Council	5
Total	**19**

c) partner authorities are informed of their liabilities for 2020/2021 in relation to Pest Control as follows:-

Council	**Estimated Projected Outturn Recharge in Relation to Pest Control 2020/21 £000**
Redditch Borough Council	9
Wychavon District Council	7
Total	**16**

d) partner authorities are informed of their liabilities for 2020/2021 in relation to three additional Technical Officers as follows:-

Council	**Estimated Projected Outturn 2020/21 Tech Officer Income Generation £000**	**Estimated Projected Outturn 2020/21 Tech Officer Animal Activity £000**	**Estimated Projected Outturn 2020/21 Gull Control £000**
Redditch Borough Council	3	2	
Malvern Hills District Council	2	9	
Worcester City Council	2	2	35
Bromsgrove District Council	2	6	
Wychavon District Council	3	9	
Wyre Forest District Council	2	5	
Total	**14**	**34**	**35**

26/20 **WORCESTERSHIRE REGULATORY SERVICES BUDGET 2021/22 - 2023/24**

The Head of Finance & Customer Services, Bromsgrove District Council, introduced the report and in doing so highlighted that the recommendations were caveated as starting point assuming that the base budget figure for 2020/2021 had been updated to include all of the increases mentioned at the Worcestershire Regulatory Services Board meeting in October 2020, including the additional funding for Wyre Forest District Council for accommodation and ICT costs.

The Head of Finance & Customer Services further drew Members' attention to the Recommendations as detailed on pages 33 and 34 of the main agenda report.

Members were further informed that the following assumptions had been made in relation to the projections:

- 2% pay award across all staff for 2021/22 – 20223/24. This will be subject to the National Pay Negotiations that are ongoing and therefore the final position will reflect any formally agreed increases, the budget also includes any employee entitled to an incremental increase.
- No inflationary increases in supplies and services, premises or transport.
- Pension back-funding will be paid by all partners.

The unavoidable salary pressures were not able to be met currently by WRS making additional income, in the main due to the pressures created by the pandemic and the response to it. The normal sources of income (local authorities,) were not currently focused on the areas of work that WRS delivered for income generation purposes and WRS officers were at the heart of the response locally. Therefore, an increase to partner funding would be required, as detailed on page 35 of the main agenda report.

Clearly, should the situation with the pandemic improve in the second half of 2021/2022, WRS Officers would be looking to move forward with the programme of income generation and the benefits of this may be seen in an underspend that could be returned to partners at year end. Hence, an upfront investment this year would give certainty to the service and the partners in terms of cost, with the potential for a return on investment if the pandemic situation eased.

In addition to the base budget there were three additional technical officers working on income generation, animal activity and gull control. Officers were unable to include these officers into the base budget as the income generation officer was a temporary agreement agreed by partner councils and the animal activity and gull control officer recharge percentage basis was different to the agreed partner recharge allocations.

RECOMMENDED that partner authorities approve the following for 2020/2021:

1.1 the 2021/22 gross expenditure budget of £3,739k as shown in Appendix 1.

1.2 the 2021/22 income budget of £529k as shown in Appendix 1.

1.3 the revenue budget and partner percentage allocations for 2021/2022 onwards:

Council	£'000	Revised %
Bromsgrove District Council	468	14.59
Malvern Hills District Council	412	12.82
Redditch Borough Council	564	17.57
Worcester City Council	532	16.58
Wychavon District	748	23.29
Wyre Forest District Council	486	15.15
Total	**3,210**	

1.4 the additional partner liabilities for 2021/2022 in relation to unavoidable salary pressure.

Bromsgrove District Council	£9k
Malvern Hills District Council	£8k
Redditch Borough Council	£10k
Worcester City Council	£10k
Wychavon District Council	£14k
Wyre Forest District Council	£9k
Total	**£60k**

1.5 the additional partner liabilities for 2021/2022 in relation to three Technical Officers.

Council	Tech Officer Income Generation £000	Tech Officer Animal Activity £000	Tech Officer Gull Control £000
Bromsgrove District Council	5	6	
Malvern Hills District Council	4	10	
Redditch Borough Council	6	2	
Worcester City Council	5	4	30
Wychavon District Council	7	9	
Wyre Forest District Council	5	5	
Total	**32**	**36**	**30**

27/20 **ACTIVITY & PERFORMANCE DATA - QUARTERS 1 AND 2**

The Environmental Health and Trading Standards Manager, WRS, presented the Activity and Performance Data for Quarters 1 and 2, 2020/2021; and in doing so highlighted that the first half of the year had seen extraordinary circumstances with officers helping to control the pandemic.

Members' attention was drawn to the following:-

Activity Data
The Food Standards Agency suspended the Food Hygiene inspection programme at the beginning of lockdown in March and this continued throughout the second quarter. This explained the low number of inspections, reflecting that the service was engaging mainly with new entrants to the sector or those wanting re-rating. Clearly any allegations of serious misconduct were also followed up and food service requests did show an increase through the quarter.
Numbers of licensing complaints and enquires began to grow during quarter 2, in line with the re-opening of licensed premises and the growth in wider licensed activities. Applications also began to rise to the kind of levels one might expect.

Planning application numbers rose during quarter 2, going back towards their normal trajectory as the economy re-opened. Environmental Information Requests, often associated with the planning and development process were also returning to

more normal levels during this period.

As we always see during the summer months, nuisance/ pollution complaints showed their characteristic peak. Noise complaint numbers exceeded the number for the same period in the previous two years, this time by a significant proportion, 12% or more above the previous two year's equivalent periods.

Performance

Quarter 2 saw a broader report of performance measures than the starting quarter. The year continued reasonably well from a customer satisfaction perspective with the non-business customer measure at 74.4% and business customers at 97.7%. Given the pressures on the service during the first six months of the year, this was seen as good. At the same point last year, customer satisfaction was at 73.8% and business satisfaction at 98.3%. People who felt better equipped to deal with issues was at 72.3% compared with 63% this time last year.

Processing of taxi driver license renewals remained good with a county-wide average of 97.4% done within 5 working days.

Compliments outnumber complaints by 3:1 (24:78) and staff sickness was looking reasonably good at 0.95 days per FTE. This was better than the previous year's figure at Q1 (2.91 days per FTE.)

Income as a proportion of budget was at 4.37%. This was as expected down on previous years due to the pandemic and our usual customer based of local authorities not requiring our services at the same level. At the same point last year, just over £160,000 had come in compared with just over £130,000 this year. maintain comparability, we have not included income for measures to combat the pandemic in the calculation.

The Chairman took the opportunity to thank officers for a comprehensive report.

RESOLVED that the Activity and Performance Data Quarters 1 and 2, 2020/2021, be noted and that Members use the contents of the report in their own reporting back to their respective partner authority.

28/20 **INFORMATION REPORT - IT UPDATE**

The Technical Services Manager, WRS, presented the Board with an Information Report that provided an update on IT, following a request from the Board at the meeting held in October 2020.

The Technical Services Manager referred Members to the Gantt chart as detailed at Appendix 1 to the report.

The first phase of replacement laptops had been completed. Officers continued to work on improving the look of the WRS website on Umbraco 8. Discussions were taking place with the host authority,

Bromsgrove District Council (BDC) on whether WRS would be able to take payments on behalf of the other partner authorities.

Councillor A. D. Kent, BDC, thanked officers for the brilliant update and Gantt chart, as this detailed what had been delivered. Councillor Kent also took the opportunity to thank the Head of Regulatory Services for taking the time to have further discussions with him, regards the concerns he had raised at the last meeting of the Board.

RESOLVED that the Information Report – IT Update, be noted.

29/20 **THE NEW STATUTORY STANDARDS FOR TAXIS AND PRIVATE HIRE VEHICLES**

The Acting Licensing and support Services Manager, WRS, provided the Board with a report that detailed the new statutory standards for Taxis and Private Hire Vehicles.

Members were informed that in July 2020, following a number of high profile enquiries into criminal offences involving taxi drivers, the Secretary of State for Transport had issued the long awaited, new 'Statutory Taxi and Private Hire Vehicle Standards' to licensing authorities aimed at safeguarding children and vulnerable adults.

The standards set out a range of measures to protect passengers and the Department for Transport would require an update from each licensing authority by January 2021.

The recommendations in the Standards were detailed on page 84 of the main agenda report.

WRS officers believed that, in light of the recommendations set out in the Standards, that all of the district councils' current hackney carriage and private hire licensing policies would need to be reviewed carefully with a view to implementing the changes. This review would ultimately lead to the drafting of a new cohesive policy document that brought together each district council's procedures on taxi and private hire vehicle licensing. This would include, but not be limited to, policies on convictions, a "fit and proper" person test, licence conditions and vehicle standards.

RESOLVED that the new statutory standards for Taxis and Private Hire vehicles and the guidance as referred to in the report, be noted.

The meeting closed at 6.03 p.m.

Chairman

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