

**WORCESTERSHIRE DISTRICT COUNCILS**

**MEETING OF THE WORCESTERSHIRE REGULATORY SERVICES BOARD**

**THURSDAY, 6TH OCTOBER 2016 AT 4.35 P.M.**

PRESENT: Councillors K.J. May (Substituting for R. J. Laight), B. Behan (Chairman), B. Clayton, Y. Smith (Substituting for J. Fisher, during Minute No's 13/16 to 17/16), S. Chambers, L. Denham, J. Riaz, E. Stokes (Vice-Chairman) and M. King (During Minute No's part of 13/16 to 17/16)

**Partner Officers:** Mr. D. Sutton, Worcester City Council, Mr. V. Allison, Wychavon District Council, Mr. M. Parker, Wyre Forest District Council and Ms. J. Pickering, Bromsgrove District Council and Redditch Borough Council

Officers: Ms. J. Pickering, Mr. S. Wilkes, Mrs. C. Flanagan, Mr. M. Cox, Mrs. S. Garratt, Ms. K. Lahel and Mrs. P. Ross

10/16

**APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES**

Apologies for absence were received from Councillors R. J. Laight and P. Whittaker, Bromsgrove District Council, D. Chambers, Malvern Hills District Council, J. Fisher, Redditch Borough Council, and J. Hart, Wyre Forest District Council.

It was noted that Councillors K. May, Bromsgrove District Council was in attendance as substitute Member for R. J. Laight, and Y. Smith, Redditch Borough Council substitute Member for J. Fisher.

Apologies for absence were also received from Mr. P. Merrick, Malvern Hills District Council.

11/16

**DECLARATIONS OF INTEREST**

No declarations of interest were received.

12/16

**MINUTES**

The minutes of the meeting of the Worcestershire Regulatory Services Board held on 22nd June 2016 were submitted.

**RESOLVED** that the minutes be approved as a correct record.

13/16

## **AIR QUALITY - UPDATE**

The Board were asked to consider a report that provided an update summary for each partner authority on Local Air Quality Management work undertaken by Worcestershire Regulatory Services (WRS) for each district.

The Technical Services Manager, WRS, introduced the report and in doing so informed Members that, the monitoring of Nitrogen Dioxide was undertaken using diffusion tubes to establish an annual average in many locations across the County.

The purpose of Local Air Quality Management was to establish if there were any breaches of National Objectives for specified pollutants and to declare an Air Quality Management Area (AQMA) if identified.

Members were informed that recently the Department for Environment, Food and Rural Affairs (Defra) guidance had changed the emphasis from monitoring and identification to resolution of air quality concerns. In response, WRS have identified priority actions for all established AQMAs and were working with steering group members to resolve any issues.

In addition WRS has produced an Air Quality Action Plan Update for 2016 on the work undertaken. The Action Plan Update formed part of each District Council's reporting requirements on air quality and provided an update on progress made with actions to address poor air quality in AQMAs. Members were asked to note that there was not a requirement to produce such a plan for Redditch Borough Council and Malvern Hills District Council as they currently had no AQMAs in their areas.

The Technical Services Manager, WRS, drew Members' attention to each of the partner authorities updates as detailed on pages 10, 11 and 12 in the report. The updates also detailed the areas, that due to improved conditions, WRS would be recommending to those partner authorities that the AQMAs be revoked. The Technical Services Manager, WRS, stressed that no AQMAs would be revoked prematurely.

At this stage in the meeting, the Head of WRS explained that one of the reasons the report had been brought before the Board was in order to provide Members with detailed information on what WRS as a service delivered on behalf of each partner authority. The Technical Services Manager's Team, WRS, were a highly skilled team and undertook work to liaise, push forward and deliver a high standard of work on behalf of WRS and each partner authority.

The Technical Services Manager, WRS, responded to several questions from Board Members and in doing so, informed Members that Defra had recognised that their previous guidance was report heavy. The revised format required an annual status report, an action plan and progress

report. The action plan concentrated on 'priority' actions and things that could be achieved in order to progress these particular 'priority' actions.

With regard to engaging with local Ward Members, the Technical Services Manager, WRS, explained that there was a County wide steering group with local Members involved where there were AQMAs. Moving forward there would be one steering group with sub-groups formed for particular AQMAs.

WRS officers had a good dialogue with Worcestershire County Council (WCC), strategic highways. There were a lot of different schemes being undertaken and those who had to deliver the projects were somewhat removed, but WRS continued to work towards achieving further dialogue with WCC, Highways.

Members congratulated the Technical Services Manager, WRS and his team on producing an informative and comprehensive report. Members realised the benefits of the work carried out by WRS and that even the smallest of actions taken by WRS could make a difference.

Members asked for it to be noted that the Technical Services Manager, WRS and his team ensured that they kept themselves updated with regard to local Ward Members, to ensure that the correct local Ward Members were updated with regard to progress or any issues in respect of AQMAs in their ward area.

The Chairman thanked the Technical Services Manager, WRS, for a worthwhile report.

**RESOLVED:**

- (a) that the Local Air Quality update report for each District be noted; and
- (b) that the Technical Services Manager, Worcestershire Regulatory Services (WRS) to provide Board Members with the website link to the WRS Air Quality Action Plan Progress Report for Worcestershire April 2015 to March 2016.

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**WRS REVENUE MONITORING 2015/2016 - QUARTER 1**

The Board were asked to consider a report which detailed the financial position for Quarter 1, 1st April 2016 to 30th June 2016.

The Executive Director, Finance and Corporate Resources, 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 Quarter 1, 1st April 2016 to 30th June 2016.

The robust financial management arrangements ensured that the priorities of the service could be delivered effectively.

The Executive Director, Finance and Corporate Resources, BDC, drew Members' attention to the detailed revenue report as attached at Appendix 1 to the report. This showed a projected outturn overspend of £7,000, it was appreciated that this was estimation to the yearend based on the current level of expenditure.

The Executive Director, Finance and Corporate Resources, BDC, informed the Board, that with regard to the underspend as detailed at Appendix 1 to the report, part of the underspend was offset by the costs associated with additional agency staff being used to cover vacancies. During the next three to six months officers would look to reduce the reliance on agency staff to ensure that the projected outturn was as minimal as possible.

Based on the spend from April to June 2016 with regard to Pest Control, there would be an estimated overspend of £34,000. Appendix 1 to the report detailed the costs recovered from each partner authority. Officers would continue to monitor and analyse the impact on each partner authority.

Two months of costs which related to Trading Standards and Animal Health and Welfare were included in the expenditure. Trading Standards and Animal Health and Welfare services were transferred back to Worcestershire County Council (WCC) as of 1st June 2016. WCC paid WRS £110,000 to run these services for the two months and this income has been included in the income projected outturn of £312,000 as detailed at Appendix 1 to the report.

The Executive Director, Finance and Corporate Resources, BDC, further drew Members' attention to page 16 of the report and in doing so, highlighted that the requirement for pension back funding for 2016/2017 would need to be funded by each partner authority. This was allocated on the 2015/2016 percentage split. Worcestershire County Council would continue to pay for the pension deficit. The cost to each Council was detailed on page 16 in the report. The agreed percentages would be used for the IAS19 / Pensions adjustment for the statement of accounts for 2016/2017.

**RESOLVED:**

- (a) that the final financial position for the period 1st April to 30th June 2016, Quarter 1 be noted; and
- (b) that at the Treasurers Meeting to be held on 7th October 2016, the Section 151 discuss the costs associated with the pension backfunding for 2016/2017 and the implications for 2017/2018 in light of the transfer of staff back to Worcestershire County Council. This will then be informed to partner councils.

15/16

## **ENFORCEMENT POLICY**

The Board was asked to consider a report which detailed the amendments to the Worcestershire Regulatory Services Enforcement Policy.

The Head of Regulatory Services (WRS) reminded Members of the background to the introduction of a single WRS Enforcement Policy, as agreed and adopted in 2011 by the Worcestershire Shared Services Joint Committee and each partner authority.

Local authorities were encouraged to produce Enforcement Policies for many years so that those they regulated knew and understood what to expect with regard to enforcement. The first thing to be challenged by any company undergoing enforcement would be the enforcement policy.

The initial WRS Enforcement Policy was based on the requirements of the then Regulator's Compliance Code, the policy would not have contradicted any approach taken by each partner authority in other areas of enforcement.

With the recent changes to the partnership, the replacement of the supporting Regulator's Compliance Code and the time that had elapsed since the original policy was adopted in 2011, the Head of Regulatory Services, WRS, thought it was timely to have the policy revised and re-ratified by the newly formed Worcestershire Regulatory Services Board.

Members were informed that the Regulator's Compliance Code had been replaced with the Regulator's Code, which remained under the control of the Department for Business, Energy and Industrial Policy. There had been little change to the core of the new Regulator's Code, but some aspects had been clarified and tidied up, which therefore required some minor amendments to be incorporated into the existing WRS Enforcement Policy. The amended WRS Enforcement Policy was detailed at Appendix 1 to the report.

Members were advised that the amended WRS Enforcement Policy would be a useful adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities.

In response to Councillor L. Denham, Worcester City Council, the Head of Regulatory Services, WRS, agreed to amend the 'Factors which would mitigate against the need for a prosecution' and remove the word 'elderly'.

Members agreed that the document was well drafted.

**RECOMMENDATION:** that, subject to the minor amendment, as detailed in the preamble above, the Worcestershire Regulatory Services Enforcement Policy, be adopted by each Member Authority.

16/16

## **ACTIVITY AND PERFORMANCE DATA QUARTER 1**

The Board were asked to consider a report that detailed the Activity and Performance Data for Quarter 1, 2016/2017. Members were asked to note that due to the departure of the Trading Standards team on 1st June 2016, back to direct control by Worcestershire County Council, the usual tables for Trading Standards and Animal Health and Welfare activity were no longer included.

The Technical Services Manager, Worcestershire Regulatory Services (WRS) introduced the report and in doing so informed Members that, the report detailed Worcestershire Regulatory Services Activity and Performance Data for Quarter 1, but the presentation of the data enabled comparison with previous quarters and previous years. The layout of the report had been changed to line graphs. Officers had hoped that the new layout would assist in showing some of the trends in workload for the different activities undertaken by WRS.

The Technical Services Manager, WRS, highlighted that, as usual licensing and environmental health nuisances continued to make the most impact in terms of demand, which was understandable given their direct impact on the public.

Food inspections were slightly down on the same quarter last year but up on the previous year. This reflected in the resources involved in conducting the complex enforcement activities being carried out, with two premises formally closed during the period and several prosecutions pending. Officers would continue to closely monitor progress against the full inspection programme for the year to ensure that it remained on track.

The number of stray dogs had fallen for many years as owners realised that it was not acceptable to allow their dog to stray and that there were financial consequences to retrieving their dog from kennels. It was expected that the benefits of this would be felt across the three Gloucestershire Districts that WRS covered, due to the consistent approach taken by WRS. WRS expected the overall number of reported stray, lost and found dogs to fall.

In response to questions from Members, the Technical Services Manager, WRS, informed the Board that with regard to "The Microchipping of Dogs (England) Regulations 2014", which became a legal requirement from April 2016, for all dogs to be microchipped and contact details kept up-to-date; he was of the opinion that it was too early to say if this had had an impact. WRS were still picking up dogs that had not been microchipped and microchipped dogs where the contact details were not up-to-date. The keeper of a dog which was not microchipped would be served with a notice that required them to have

the dog microchipped within 21 days. It would involve a lot of work for WRS to follow up all notices served.

With regard to performance, Members were informed that the proportion of people who feel better equipped to deal with problems for themselves in future was slightly up on last year's outturn at 81.4%, but was still in line with previous performance.

The Technical Services Manager, WRS, further responded to questions from Members with regard to the increase in requests related to gull queries. Members were informed that WRS had commissioned a recent survey on gull activity. The details of the survey would be presented to a future meeting of the Board.

The Licensing and Support Manager, WRS, responded to questions from Members in respect of Scrap Metal Collectors and Dealers. Members were informed that the number of noise nuisance complaints with regard to Scrap Metal Collectors was lower. Since the introduction of the Scrap Metal Dealers Act 2013, and the requirement to be licensed, WRS had noticed a downtrend. Also the price of scrap metal had dropped. The first year renewal process was about to commence and it would be interesting to see the responses received for renewal applications.

The Chairman drew Members' attention to the Healthier Choices Food Award scheme and details of those in receipt of the award, as detailed on page 48 in the report. The Chairman asked Board Members to consider referring any potential companies or premises they may be aware of to WRS to be considered for the award.

17/16

## **ANY OTHER BUSINESS**

### **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman took the opportunity to inform the Board that she had recently had the pleasure of being invited to attend the APSE (Association for Public Service Excellence) awards in Londonderry. These prestigious awards were designed to recognise excellence in local government frontline services.

Worcestershire Regulatory Services (WRS) were nominated for the Best Service Team: Environmental Health Service award. The award was won by Derby City Council with WRS as runners up. The Chairman stated that this showed commitment from WRS towards the work they undertook for each local authority.

The Chairman asked the Board to be mindful of promoting WRS on both Twitter and Facebook.

The Chairman also took the opportunity to inform Members that she would have to submit her apologies for the WRS Board meeting

scheduled for Thursday 24th November 2016 and to clarify with the Vice-Chairman if she would be in a position to attend and chair the meeting. The Vice-Chairman confirmed that she would be available to chair the meeting.

The meeting closed at 5.40 p.m.

Chairman